



Filed: 03/24/2021 1:04PM (FOR SCHEDULING)

APPROVED BY: Rosemary Enobakhare, OPEEE

EVENT MEMO

March 24, 2021

MEMORANDUM FOR THE ADMINISTRATOR

FROM: Rosemary Enobakhare, 202-573-4614, [HYPERLINK
"mailto:enobakhare.rosemary@epa.gov"]

CC: Office of Air and Radiation

SUBJECT: Edison Electric Institute's Board Meeting

EVENT DATE: March 25, 2021

TIME: 5:00pm – 5:45pm

LOCATION: Virtual (Microsoft Teams)

ATTIRE: Business

WEATHER: N/A

STAFFING: Dan Utech, Ex. 6
Joseph Goffman, Ex. 6
Rosemary Enobakhare, 202-573-5614

I. STATEMENT OF PURPOSE

YOU will give brief remarks and participate in a fireside chat during the Edison Electric Institute's board of directors meeting. Following the fireside chat, **YOU** will engage in a Q&A session with pre-selected questions from pre-selected board members. If time allows, the group will open the Q&A portion of the conversation up for a broader dialogue with meeting participants.

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II. KEY POINTS

- We appreciate our past engagement with EEI and want to continue engaging going forward, not just on rules but also on analysis, modeling, and data.
- We're interested in your thoughts on ways we can improve on what we do that would be helpful to you and others.
- We'd like to know where you see long-term policy trends moving and EPA's role in that future.

III. BACKGROUND

Edison Electric Institute (EEI) is an association that represents all U.S. investor-owned electric companies. EEI provides public policy leadership, strategic business intelligence, and essential conferences and forums.

- EEI members provide electricity for about 220 million Americans, and they operate in all 50 states and the District of Columbia.
- Investor-owned utilities served 72% of U.S. electricity customers in 2017.
- EEI also has more than 65 international electric companies, with operations in more than 90 countries, as International Members, and hundreds of industry suppliers and related organizations as Associate Members.

Key Issues:

-
-

Ex. 5 Deliberative Process (DP)

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Ex. 5 Deliberative Process (DP)

Interactions with EPA: EEI routinely engages OAR at various levels on numerous issues, including:

- During most regulatory efforts that apply to the electric sector, EEI will meet with EPA leadership and staff to discuss elements of proposals and/or rules.
- Routinely submit comments on behalf of members, but only focused around issues where consensus exists.
 - EEI typically advocates for flexibilities and longer compliance timeframes.
- Climate interactions:
 - Extensive interactions between EPA and EEI during CPP development
 - Some engagement during ACE where EEI advocated for flexibilities in compliance
 - More recent engagement with EPA staff around voluntary utility climate commitments.
- In comments on ACE, EEI indicated that their members were on track to exceed the CPP goals well in advance of the CPP timelines, even though it never went into effect and was stayed by the S.C.O.T.U.S.

IV. **KEY PARTICIPANTS**

- Tom Kuhn, President, Edison Electric Institute
- Ben Fowke, Chairman of the board, President and Chief Executive Officer (CEO) of Xcel Energy
- Lynn Good, Chair, President and CEO, Duke Energy
- Gerry Anderson, Executive Chairman, DTE Energy
- Badar Khan, President, National Grid USA

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- Sean Trauschke, Chairman, President and Chief Executive Officer, Oklahoma Gas and Electric Company

V. PRESS PLAN

This meeting will be CLOSED press.

VI. SEQUENCE OF EVENTS

- Tom Kuhn, EEI CEO and Ben Fowke, CEO of Xcel Energy and EEI Chairman will open the meeting and turn it over to Lynn Good, CEO of Duke Energy
- Lynn Good will introduce **YOU** and ask **YOU** to share some opening remarks
- Following **YOUR** remarks, Lynn Good will moderate the Q&A portion of the conversation with **YOU**. She will ask **YOU** 3 pre-selected questions.
- After the moderated Q&A portion of the meeting with Lynn, she will turn the meeting over to Ben Fowke and he will take questions from a select group of EEI board members:
 - Gerry Anderson, Executive Chairman, DTE Energy
 - Badar Khan, President, National Grid USA
 - Sean Trauschke, Chairman, President and Chief Executive Officer OG&E Corp
- If there is additional time, Ben Fowke will open the Q&A portion and allow broader meeting participants to ask **YOU** questions.
- Ben Folkes will thank **YOU**, close the meeting and **YOU** will depart the call.

VII. ATTACHMENTS

Introductory Remarks

Pre-selected Question and Answers

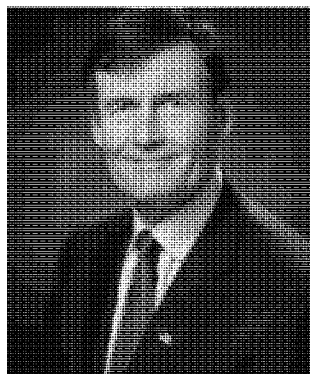
VIII. AUDIENCE

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The Audience will include that approximately 50-55 CEOs during this virtual conversation.

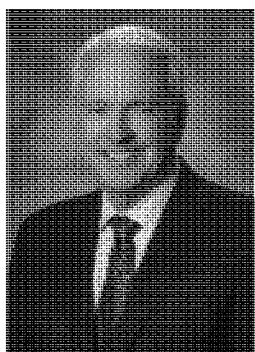
BIOGRAPHIES OF KEY PARTICIPANTS

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Tom Kuhn, President, Edison Electric Institute

Tom Kuhn is President of the Edison Electric Institute. Mr. Kuhn joined the Institute in 1985 as executive vice president, was named chief operating officer in 1988, and elected president in 1990. Prior to joining EEI, Mr. Kuhn was president of the American Nuclear Energy Council, which subsequently merged with the Nuclear Energy Institute. He joined the Council in 1975 as vice president, government affairs, and became president in 1983. From 1972 to 1975, Mr. Kuhn headed the energy section of the investment banking firm, Alex Brown and Sons. Prior to that, from 1970 to 1972, he was White House Liaison Officer to the Secretary of the Navy. Mr. Kuhn received a BA in Economics in 1968 from Yale University, served as a Naval Officer following his graduation, and received an MBA in 1972 from George Washington University. He completed the Stanford University Graduate School of Business Senior Executive Program in 1989.



Ben Fowke, Chairman of the board, President and Chief Executive Officer (CEO) of Xcel Energy

Ben Fowke currently serves as the Chairman of the board, President and Chief Executive Officer (CEO) of Xcel Energy. He previously served as President and Chief Operating Officer (COO) with responsibility for overall corporate operations as well as Xcel Energy's four operating companies, which do business in eight states. Prior to being named President and COO in 2009, Fowke held a variety of executive positions at the company, including Vice President and Chief Financial Officer (CFO) and Vice President and CFO of Energy Markets. Prior to the 2000 merger of Northern States Power Co. and New Century Energies (NCE) to form Xcel Energy, he was a vice president in the NCE Retail business unit. Prior to Xcel Energy, Fowke served 10 years with FPL Group, Inc., where he held various management positions. Ben also serves as the Chairman of the board of directors of the Edison Electric Institute and serves as a board member for Electric Power Research Institute, Nuclear Energy Institute, Energy Insurance Mutual, Institute of Nuclear Power Operations, American Wind Energy Association, the Minnesota Orchestra, and the Minnesota Business Partnership. Fowke earned a Bachelor of Science degree in finance and accounting from Towson University and obtained his CPA in 1982.



Lynn Good, Chair, President and CEO, Duke Energy

Lynn Good currently serves as chair, president and chief executive officer of Duke Energy, one of America's largest energy holding companies. Under her leadership, Duke Energy has intensified its focus on serving its customers and communities well today while leading the way to a cleaner, smarter energy future. Before becoming CEO in 2013, she served as Duke Energy's chief financial officer and earlier led the company's commercial energy businesses during its initial development of renewable energy projects. She began her utility career in 2003 with

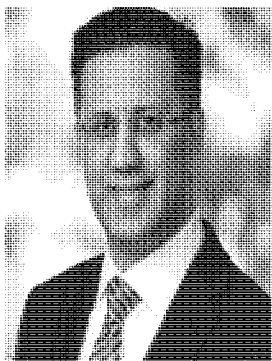
Cincinnati-based Cinergy, which merged with Duke Energy three years later. Prior to 2003, she was a partner at two international accounting firms. Good currently serves on the boards of directors for Boeing, the Edison Electric Institute, the Institute of Nuclear Power Operations, the World Association of Nuclear Operators, the Business Roundtable and myFutureNC. She also serves on the advisory council of the Bechtler Museum of Modern Art in Charlotte, N.C. Good holds Bachelor of Science degrees in systems analysis and accounting from Miami University in Oxford, Ohio. She and her husband, Brian, live in Charlotte.



Gerry Anderson, Executive Chairman, DTE Energy

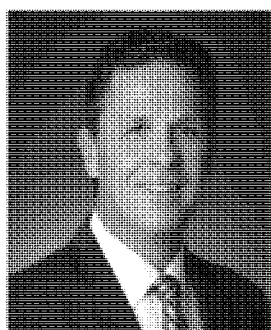
Gerard M. Anderson is the executive chairman of DTE Energy. Anderson joined DTE in 1993 and held various senior executive leadership roles throughout the enterprise until being named president in 2004, CEO in 2010 and chairman in 2011. In 2019, Anderson was elected executive chairman to serve as an advisor to DTE's CEO on business issues and focus on DTE's community, state, federal and broader industry roles. Prior to joining DTE Energy, Anderson was a senior consultant at

McKinsey & Co., an international management consulting firm, from 1988 to 1993, with a focus on the energy sector and financial institutions. In the mid 1980's, he was employed with an economic forecasting group, The Research Seminar in Quantitative Economics, and the U.S. Congressional Budget Office. Anderson earned a bachelor of science degree in civil engineering at the University of Notre Dame. He also earned a master of business administration degree and a master of public policy degree from the University of Michigan.



Badar Khan, President, National Grid USA

Badar joined National Grid in 2017. He brings to the Executive Committee his extensive experience in energy sector, which spans retail power and gas and energy-related services, wholesale energy trading, upstream power generation, and oil and gas exploration and production. Previously, Badar worked at Centrica plc for 14 years in the UK and US, including four years as CEO of Direct Energy, the North American subsidiary that provides electricity, natural gas and home services. Prior to that he was an officer of a start-up private retail energy company in the US, and has also worked in management consulting with Deloitte Consulting in Boston and KPMG London. Badar has a degree in engineering from Brunel University in London and an MBA from the University of Pennsylvania. He has been a leader in the restructuring of the retail and wholesale power markets in both the US and the UK.



Sean Trauschke, Chairman, President and Chief Executive Officer, Oklahoma Gas and Electric Company

Sean Trauschke serves as Chairman, President and Chief Executive Officer of OGE Energy Corp. and OG&E. Trauschke earned a Bachelor of Science degree in Mechanical Engineering from the University of North Carolina at Charlotte, a Master of Business Administration degree from the University of South Carolina and has completed the Advanced Management Program at the Harvard Business School. Trauschke serves on the boards of the State Chamber of Oklahoma, Downtown OKC, United Way of Central Oklahoma, Greater Oklahoma City Chamber, Children's Hospital Foundation, Oklahoma Hall of Fame, Oklahoma City Museum of Art and the Myriad Gardens Foundation.

METHANE FROM OIL AND GAS OPERATIONS

Topline Messages

- Methane is a potent greenhouse gas, and oil and gas operations are the largest industrial sources of this pollutant in the United States. The oil and gas sector also emits other health-harming pollutants, including volatile organic compounds and hazardous air pollutants such as benzene.
- Proven, cost-effective technologies and practices for minimizing this pollution are readily available. Several oil and gas-producing states already require the use of these measures, and leading companies have been deploying them in the field for years.
- Many industry voices including API, BP America, ExxonMobil, and Shell have expressed their support for federal limits on methane pollution.
- President Biden's climate executive order directs EPA to consider **proposing new rules for methane from new and existing sources in the oil and gas sector by September 2021**.
- We will be engaging with all relevant stakeholders, including the oil and gas industry, to develop a proposal that achieves ambitious and cost-effective reductions in climate- and health-harming pollution.
- In order to facilitate broad public engagement, EPA will hold three virtual public listening sessions in June and has opened a public docket to accept written comments and information.

EPA Regulatory Background

- **2016:** EPA issued New Source Performance Standards (NSPS) for oil and gas that regulated methane emissions from new and modified oil and gas sources in the production, processing, transmission, and storage segments of the industry. EPA also issued an Information Collection Request (ICR) to operators, asking them to provide information that could be helpful in formulating emission guidelines for existing oil and gas sources. Under the Trump Administration, EPA withdrew the ICR.
- **September 2020:** The Trump EPA published two final rules to weaken the 2016 methane NSPS:
 - **The Policy Rule**, which eliminated methane limits for the industry's production and processing segments and determined that transmission and storage facilities should not be regulated as part of this source category for any pollutant; and
 - **The Technical Rule**, which exempted low-production well sites from fugitives monitoring, reduced monitoring requirements at gathering and boosting compressor stations, and made other technical changes to the NSPS.
- **2021:** In March, Senators Heinrich, King, Markey and Schumer, Representative DeGette, and others in the Senate and House introduced a joint resolution of disapproval under the Congressional Review Act for the 2020 Policy Rule.

FY2022 Budget Request

The FY2022 budget request would invest **\$1.8 billion** in programs that would reduce greenhouse gas emissions and advance environmental justice, **including “investments to decrease emissions of methane and hydrofluorocarbons.”**

American Jobs Plan

President Biden's plan includes **\$16 billion** to put hundreds of thousands to work plugging oil and gas wells and restoring and reclaiming abandoned mines, both of which can leak methane.



Event Memo - President's Meeting on Wildfire Preparedness

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APPROVED BY: Alison Cassady

EVENT MEMO

June 29, 2021

MEMORANDUM FOR THE ADMINISTRATOR

FROM: Alison Cassady, **Ex. 6**, [HYPERLINK "mailto:cassady.alison@epa.gov"]
Dan Utech, **Ex. 6** [HYPERLINK "mailto:utech.dan@epa.gov"]

SUBJECT: President's Meeting on Wildfire Preparedness

EVENT DATE: June 30, 2021

TIME: 11am-12:30pm (arrive 10:45am)

LOCATION: White House

ATTIRE: Business

STAFFING: Nick Conger, OPA

On Wednesday, June 30 from 11:00am-12:30pm, POTUS will be holding a meeting with Western governors and key Cabinet members to discuss preparation, prevention, and response to the extreme heat, drought, and wildfires that the West is facing. This memo lays out (1) background on the wildfire risk in the western United States, and (2) EPA's existing programs related to wildfire.

I. BACKGROUND: WILDFIRE RISK IN THE WESTERN UNITED STATES

As of the week of June 22, 2021, 48% of the country's land mass was experiencing at least a moderate drought. Almost 22% of the country was experiencing extreme or exceptional drought.

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Drought in the U.S. West

The drought situation in the western United States continued to worsen after another mostly hot and dry week and June 22. A few areas of drought in south-central and southeast New Mexico saw some slight improvement due to effects from several rain and thunderstorm events in the last month. Unfortunately, widespread severe or worse drought continued in New Mexico, and conditions remained the same or worsened elsewhere. Increases in moderate, severe, extreme (and in a few cases, exceptional) drought coverage occurred in Colorado, Wyoming, Utah, and Montana. Severe drought also expanded in western Idaho. Wildfires and increasing wildfire danger, water restrictions, and damage to agriculture are very common across the West region.

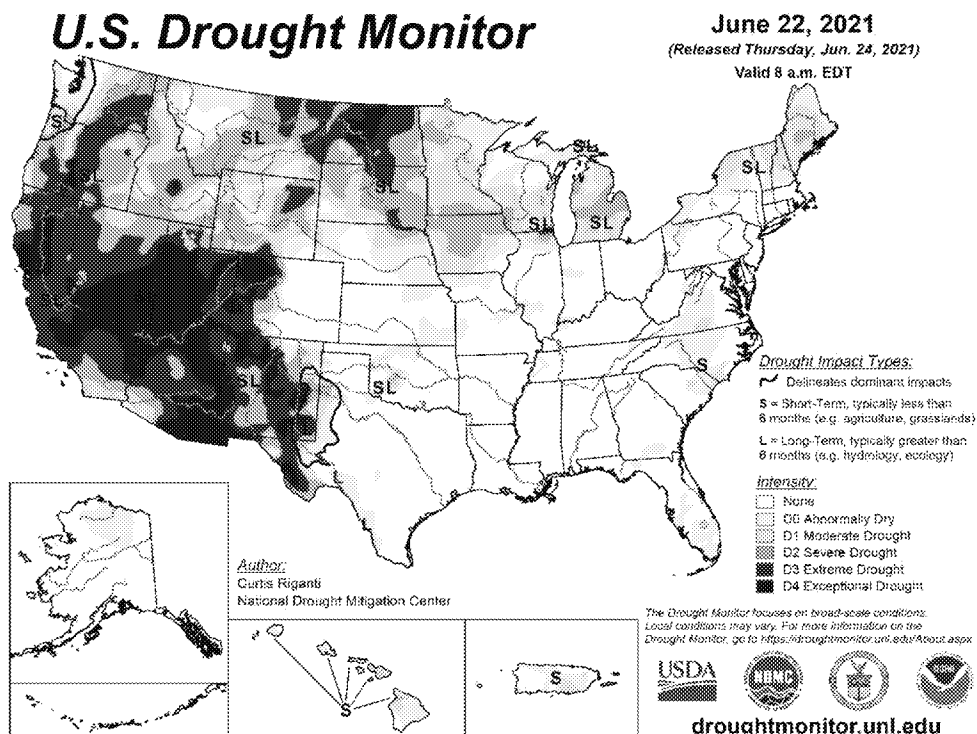
In California, Governor Newsome has placed 41 counties under a drought state of emergency, representing 30 percent of the state's population. Climate change-induced early warm temperatures and extremely dry soils have depleted the expected runoff water from the Sierra-Cascade snowpack, resulting in historic and unanticipated reductions in the amount of water flowing to major reservoirs, especially in Klamath River, Sacramento-San Joaquin Delta and Tulare Lake Watershed counties.

Drought in the High Plains

Rainfall has been paltry in areas of ongoing drought and abnormal dryness in the High Plains region. The dry weather combined with warmer than normal temperatures in much of Nebraska, Kansas, and western South Dakota to lead to widespread worsening of drought and abnormal dryness in these areas. Extreme drought developed along the Missouri River in northern Nebraska and southern South Dakota, and severe and moderate drought expanded around this. Widespread extreme and exceptional drought still covered North Dakota, where adverse effects to crops and pastures from drought is widespread. In eastern Wyoming, short-term dryness and hot weather led to expansions of moderate, severe, and extreme drought as well.

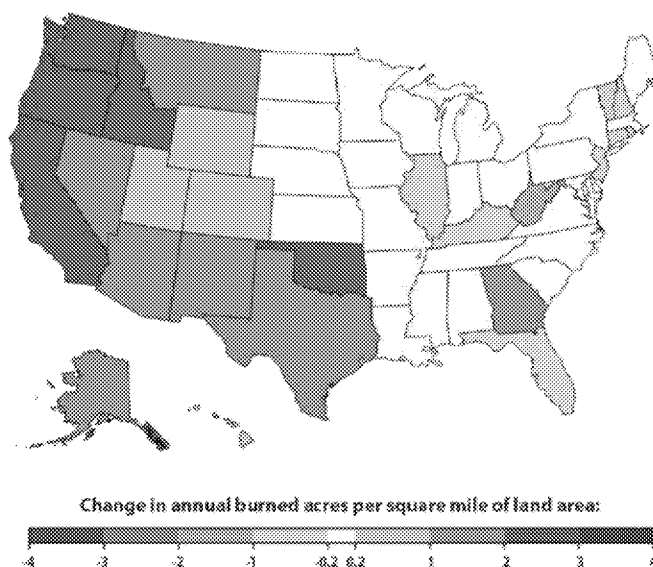
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EPA's Climate Indicators report illustrates the significant increase in fires burning in the West between the 1984-2001 and the 2002-2018 period.

Change in Annual Burned Acreage by State Between 1984-2001 and 2002-2018



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II. EPA's PROGRAMS RELATED TO WILDFIRE AND WILDFIRE SMOKE

EPA has tools and resources to support wildfire response, primarily to prepare communities and public officials and to mitigate the public health impacts of wildfire events.

PREPARATION

Tools for Education and Action

- EPA's [HYPERLINK "<https://www.epa.gov/smoke-ready-toolbox-wildfires>"] contains resources for different audiences to teach them about smoke exposure and ways to protect their health.
- EPA has produced [HYPERLINK "<https://www.airnow.gov/wildfire-guide-factsheets/>"] to inform the public about the impact of wildfire smoke on human health and provide guidance for actions people can take to reduce their exposure. Topics include *Protect Yourself from Ash, Indoor Air Filtration, and Protecting Children from Smoke and Ash*, among others. EPA updates these documents to reflect the latest science, especially around issues of children's health.
- EPA helped produce [HYPERLINK "<https://www.airnow.gov/publications/wildfire-smoke-guide/wildfire-smoke-a-guide-for-public-health-officials/>"], a federal and non-federal multi-agency effort to help local public health officials prepare for smoke events, take measures to protect the public when smoke is present, and communicate with the public about wildfire smoke and health.

RESPONSE

Access to near-real time air quality information and smoke impacts

- EPA manages AirNow.gov, a platform to disseminate information to the public about air quality. Wildfire smoke can quickly make air dangerous to breathe and trigger asthma attacks and other cardiopulmonary effects, particularly in vulnerable populations.
- For the 2020 fire season, EPA launched a pilot [HYPERLINK "<https://fire.airnow.gov/>"], which displays the location of active wildfire events and air quality readings at

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nearby air monitors. EPA is launching this map via the AirNow phone app in July 2021.

- EPA regional and headquarters staff serve as Air Resource Advisors. The U.S. Forest Service deploys these staff on an emergency basis to assist with air quality forecasts and advise public officials during wildfire events.
- EPA has the capacity to provide monitoring on-site during fires using a recently developed Vehicle Add-on Mobile Monitoring System (VAMMS), which can be deployed in high-smoke areas to provide real time data and “ground-truth” smoke plume and air quality models.

Tools to understand individual level smoke observations, exposures, and health symptoms

- EPA's [[HYPERLINK "https://www.epa.gov/air-research/smoke-sense-study-citizen-science-project-using-mobile-app"](https://www.epa.gov/air-research/smoke-sense-study-citizen-science-project-using-mobile-app)] is a crowdsourcing, “citizen science” research project developed by EPA researchers focused on increasing public awareness and engagement related to wildfire smoke health risks. Members of the public engage with a mobile phone application to explore current and forecast maps of air quality, learn about how to protect health from wildfire smoke, and record their smoke experiences, health symptoms, and behaviors taken to reduce their exposures to smoke. The Smoke Sense Data Visualization Tool displays data that citizen scientists reported in the app related to the impacts of wildfire smoke.

Guidance to support communities to address indoor smoke in real time

- EPA is evaluating how filtration devices, such as facemasks and portable air cleaners, can reduce exposures during smoke episodes. EPA also is studying how effective various air handling systems are in reducing particle concentrations and providing community clean air spaces.
- Schools may provide a centralized community resource for safe clean air spaces, especially for children. With American Rescue Plan funding, EPA is piloting a project with Western states on using schools as clean air shelters and cooling centers during heat and smoke events.
- EPA worked with American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) to develop a [[HYPERLINK "https://www.ashrae.org/file%20library/technical%20resources/covid-19/guidance-for-](https://www.ashrae.org/file%20library/technical%20resources/covid-19/guidance-for-)

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commercial-building-occupants-from-smoke-during-wildfire-events.pdf"]. This framework provides recommended heating, ventilation, and air conditioning and building measures to minimize occupant exposures and health impacts from smoke during wildfire.

RECOVERY

Tools for emergency response and cleanup

- EPA is releasing a “how to” tool related to addressing water contamination incidents, specifically related to benzene in water resulting from wildfires.
- EPA has developed tools for emergency response and waste management ([HYPERLINK "<http://www2.ergweb.com/bdrtool/login.asp>"], [HYPERLINK "<https://www.epa.gov/emergency-response-research/waste-estimation-support-tool-west>"]) to address community fire cleanup and recovery needs.
- EPA is coordinating with FEMA on recovery efforts in rural communities to make sure recovery invests in adaptation.

III. PRESS

A small pool of journalists representing print, radio, broadcast and wire services will be invited into the room at the beginning of the event. The White House will provide a readout of the meeting.

IV. PARTICIPANTS

The tentative list of participants, both in person and virtual, includes the following:

- Vice President Kamala Harris
- Secretary of the Interior Debra Haaland
- Secretary of Agriculture Tom Vilsack
- Secretary of Energy Jennifer Granholm
- Secretary of Homeland Security Alejandro Mayorkas
- Acting Director, Office of Management and Budget, Shalanda Young
- Administrator of EPA Michael Regan

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- Administrator of FEMA Deanne Criswell
- Chief of the U. S. Forest Service Vicki Christensen
- Administrator of NOAA Rick Spinrad

- Governor of Oregon Kate Brown
- Governor of California Gavin Newsom
- Governor of New Mexico Michelle Lujan Grisham
- Governor of Wyoming Mark Gordon
- Governor of Colorado Jared Polis
- Governor of Utah Spencer Cox
- Governor of Nevada Steve Sisolak
- Governor of Washington Jay Inslee
- Assistant to the President and Chief of Staff Ron Klain
- Assistant to the President for Homeland Security and Deputy National Security Advisor Liz Sherwood-Randall
- Assistant to the President and National Climate Advisor Gina McCarthy
- Deputy Secretary of Defense Kathleen Hicks
- Deputy Assistant to the President and Director for Intergovernmental Affairs Julie Rodriguez
- Special Assistant to the President/Senior Director for Resilience and Response Caitlin Durkovich
- President and CEO of Portland General Electric, chair of the Edison Electric Institute CEO Wildfire Task Force, Maria Pope
- CEO of Bonneville Power Marketing Administration John Hairston
- President and CEO of Edison International, Pedro Pizarro

V. ATTACHMENTS

- Attachment I. Key Facts on AirNow.gov, Fire and Smoke Map/App, and Mobile VAMMS
- Attachment II. Top Level Information on EPA Wildfire Activities
- Attachment IV. PowerPoint from OAR/ORD about EPA Wildfire Activities

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Attachment I. Key Facts on AirNow.gov, Fire and Smoke Map/App, and Mobile VAMMS

Key Facts about the 2020 Fire Season in CA, OR, WA

- Smoke from historic wildfires in September 2020 was so hazardous that three western U.S. cities — Portland, Seattle, and San Francisco — were ranked as having the worst air quality of any major cities in the world.
- Portland's air quality was so bad it was formally designated as "very unhealthy," and the public was cautioned that anyone breathing it may experience "more serious health effects."
- Governors Brown, Newsom, and Inslee declared major disasters in Oregon, California, and Washington. They played a critical role in disseminating public health recommendations and leading recovery and response efforts.

AirNow.gov Website

EPA's AirNow website offers nationwide daily air quality forecasts and air quality conditions for more than 400 cities. During the 2020 fire season, more than 12 million users visited the website, and more than 300,000 users installed the AirNow phone app.

- Usage data for a typical day: 25,000 users visit AirNow.gov or the App
- Usage data for peak fire days: 1 to 3 million users visit AirNow.gov or the App

AirNow Monitors in Key States (Total number: 1,673)

California: 249
Colorado: 39
Nevada: 32
New Mexico: 24

Oregon: 45
Utah: 17
Washington: 82
Wyoming: 30

- Dr. Sridar Chalaka in Everett, Washington told a reporter in June 2021 that he recommends the EPA's AirNow app in the after-visit notes that he hands to patients. He started doing that in 2018 after seeing the lung damage that smoke was starting to cause.
- 89-year-old gentleman from Sonoma County, CA submitted this comment to EPA via the AirNow website: "I have asthma and the information on this site has helped me to make critical decisions about how to protect myself during the wildfires in

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Sonoma County this month August 2020. Overall, I give this an A grade for information in real time to the public.”

Fire and Smoke Map

For the 2020 wildfire season, EPA launched a Fire and Smoke Map on AirNow.gov, which displays the location of active wildfire events and air quality readings at nearby air monitors. This map will be available via the AirNow phone app by the end of July 2021.

- Usage data for the fall 2020 fire season (mid Aug. thru end of Nov.): more than 7.4 million hits from the public. On one severe fire day, there were more than 400,000 hits from the public.
- Release of AirNow mobile App update with addition of fire and smoke map: By end of July. We are working to accomplish this ASAP, but both Apple and Google need to review the update, which may occur on different timelines, so we cannot pinpoint a specific release date yet.

Vehicle Add-On Mobile Monitoring System (VAMMS)

EPA has the capacity to provide monitoring on-site during fires using a recently developed Vehicle Add-on Mobile Monitoring System (VAMMS), which can be deployed in high-smoke areas to provide real time data and “ground-truth” smoke plume and air quality models. Key benefits:

- Because they are mobile, they can provide on-the-spot data to assess smoke exposure for first responders and nearby communities.
- They provide data for comparison with public sensor networks to ensure confidence in the public sensors.
- The PM2.5 instrument can provide a measurement every second even in heavy smoke conditions.

Other facts:

- VAMMS are custom built by ORD's Research Triangle Park lab, fit in a suitcase, and can be quickly installed on many different vehicles.
- The State of Colorado used the VAMMS data during the 2019 Decker Fire. The Air Resource Advisor deployed to the fire used a VAMMS unit to evaluate

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nighttime smoke drainage into surrounding mountain valleys covering multiple counties and towns. Based upon this information, the Air Resource Advisor found that the state's smoke model and limited smoke monitoring fixed sites did not accurately capture all impacted areas. The state revised its air quality advisories and public communications based on this data.

Smoke Sense Mobile App

EPA's [[HYPERLINK "https://www.epa.gov/air-research/smoke-sense-study-citizen-science-project-using-mobile-app"](https://www.epa.gov/air-research/smoke-sense-study-citizen-science-project-using-mobile-app)] app is a crowdsourcing, "citizen science" research project developed by EPA researchers focused on increasing public awareness and engagement related to wildfire smoke health risks. Members of the public engage with a mobile phone application to explore current and forecast maps of air quality, learn about how to protect health from wildfire smoke, and record their smoke experiences, health symptoms, and behaviors taken to reduce their exposures to smoke. The Smoke Sense Data Visualization Tool displays data that citizen scientists reported in the app related to the impacts of wildfire smoke.

- Total users and downloads of the Smoke Sense App: More than 46,000 total app downloads across all 50 states, mostly in California, Washington, Oregon, and Colorado. App downloads spike during large fires. Users doubled in August-September 2019 during the several large California fires.
- The online Smoke Sense website has received more than 800,000 hits, with most visits to information on monitor data, fire incidents, and smoke forecasts.
- EPA has translated the App and website into Spanish.
- The App includes social science research components that help to identify which types of risk communication strategies are effective at changing behavior.
- Mexico and Canada are interested in expanding Smoke Sense to help with wildfires in their countries.

Attachment II. Top Level Information on EPA Wildfire Activities

(OAR/ORD compiled this topline summary based on their more detailed PowerPoint, also attached for your reference.)

- Fire emissions constitute 44% of the total U.S. PM_{2.5} emission inventory. 70% of this smoke-related PM_{2.5} is from wildfires, 30% from prescribed fires.
- Smokes from wildfires impacts millions each year and can also be life threatening. Health impacts include aggravated heart and lung disease, including bronchitis and asthma, and premature death. People at risk include older adults and children, people with heart or lung disease, pregnant women, and people with diabetes.
- EPA supports wildfire response and works to mitigate the public health impacts of wildfire events.
 - Provides trusted information about air quality conditions and health impacts before during and after fire and smoke events.
 - Conducts research and builds tools needed to understand impacts of fire on air quality and health.
- EPA works in collaborative partnership with Federal agencies, including CDC the National Institute for Occupational Safety and Health.

Ex. 5 Deliberative Process (DP)

HOW EPA SUPPORTS WILDFIRE RESPONSE

- More than 12 million users depend on AirNow and the [HYPERLINK "https://fire.airnow.gov/"] for smoke-related air quality information during fire season.
- EPA, with the US Forest Service, helps communities prepare to reduce their health risk before a fire, with resources available at the [HYPERLINK "https://www.epa.gov/smoke-ready-toolbox-wildfires" \h].
 - EPA is working directly with communities through the Smoke Ready Community collaborations in Butte-Silver Bow, MT; Garfield County, CO; and Jackson County, OR, which will result in actionable, county-specific public health response plans for wildfire smoke.
 - EPA also has MOUs with state agency groups including the Association of State and Territorial Health Officials (ASTHO) and Environmental Council of States (ECOS) which have generated collaborations such as the [

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Event Memo - President's Meeting on Wildfire Preparedness

Printed on 06/29/2021

HYPERLINK "<https://www.airnow.gov/publications/wildfire-smoke-guide/wildfire-smoke-a-guide-for-public-health-officials/>" \h]

- During major wildfire events, the U.S. Forest Service Wildland Fire Air Quality Response Program makes Air Resource Advisors (ARAs) available to provide timely smoke impact messaging. EPA has 9 staff trained as ARAs.
 - Challenges gaining approval for additional staff to train and deploy as Air Resource Advisors.
 - Growing need for maintenance for monitoring equipments used by Incident Team during fire events.

ACTIONS EPA IS TAKING THIS FIRE SEASON

- OAR has, or will soon have, available several program enhancements for this fire season:
 - Providing communication readiness support to the EPA Regions, in the form of a communication toolbox
 - Re-design of the AirNow Fire pages to make information easier to find
 - AirNow Fire and Smoke Map available via the phone app in July
 - Guidance on how to protect public health when smoke impacts indoor air quality
- ORD has also developed the publicly available Smoke Sense mobile phone app.
 - Allows more than 45,000 users to see air quality information in their location and record their observations of smoke and health symptoms
 - Provides information on how to reduce smoke exposures
 - Currently available in English and Spanish
 - Additional resources can provide for translation into additional languages to reach vulnerable populations
- ORD is purchasing additional Purple Air monitors (the low-cost sensor device used on the AirNow Fire and Smoke Map) and building new Vehicle Add-on Mobile Monitoring Systems
 - Enhances our ability to measure air quality during smoke events, both at or near the fires, as well as in downwind communities
 - With additional resources, ORD can scale up these purchases and provide greater coverage
- Wildfires also affect public health and ecosystems through impacts on water quality. ORD is studying impacts on key aquatic species, identifying vulnerable watersheds, and developing tools to help communities clean up contaminated drinking water supplies after fires.
- Funding later this summer for STAR grants on Interventions and Communication Strategies to Reduce Health Risks of Wildland Fire Smoke Exposures

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Printed on 06/29/2021

LONGER TERM ACTIONS REQUIRING ADDITIONAL FUNDS AND FTE

Ex. 5 Deliberative Process (DP)



Event Memo - Video-call: American Petroleum Institute

Printed on 07/09/2021

Filed: 07/09/2021 1:33PM

APPROVED BY: Rosemary Enobakhare, OPEEE

EVENT MEMO

July 9, 2021

MEMORANDUM FOR THE ADMINISTRATOR

FROM: Joseph Goffman, OAR, Ex. 6 Personal Privacy (PP), [HYPERLINK "mailto:Goffman.Joseph@epa.gov"]

CC: Rosemary Enobakhare, OPEEE

SUBJECT: Video-call: American Petroleum Institute

EVENT DATE: Monday, July 12, 2021

TIME: 3:15 – 4:00 PM

LOCATION: Virtual

ATTIRE: Business

STAFFING: Joseph Goffman, Ex. 6 Personal Privacy (PP)
Alejandra Nunez, 202-815-7404
Tomas Carbonell, 202-617-5502
Rosemary Enobakhare, 202-573-4614

I. STATEMENT OF PURPOSE

YOU will be meeting with Mike Sommers, CEO of the American Petroleum Institute (API) and members of API's Board of Director's Executive Committee. **YOU** will be discussing the Administration's priorities on climate change, environmental justice and methane regulation, transportation fuels, per- and polyfluoroalkyl substances (PFAS), National Ambient Air Quality

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Standards (NAAQS) and hydraulic fracturing technology as they impact oil and gas companies. API would like to share their priorities, including their Climate Action Framework.

II. KEY POINTS

Ex. 5 Deliberative Process (DP)

III. BACKGROUND

The American Petroleum Institute was founded in 1919 with membership of over 600 companies in all aspects of petroleum and natural gas industry. API's Downstream Committee positions are dominated by what were historically the largest oil companies that were vertically integrated (with large petroleum production, refining, and marketing arms). This contrasts to the American Fuel and Petrochemical Manufacturers (AFPM); AFPM represents essentially all U.S. refiners and tends to be more dominated by large and small refiners that tend not to be as vertically integrated.

OAR's program offices -- OTAQ (Office of Transportation and Air Quality), OAR/OAQPS (Office of Air Quality Planning and Standards), and OAR/OAP (Office of Atmospheric Programs) all have longstanding working relationships with API and collaborate on specific programs.

OAR/OTAQ has been working with API's Downstream Committee on all of the fuel standards over the years (e.g., RFS, gasoline and diesel fuel sulfur, gasoline benzene and volatility, and most recently the Fuel Regulation Streamlining rule).

Methane Regulation

In January 2021, API announced its support for direct regulation of **methane** emissions from new and existing sources and its desire to work with the Biden Administration to develop new regulations. API had previously supported federal regulation of VOCs only, arguing that direct regulation of methane would be redundant with VOC standards.

API has participated in pre-proposal outreach for the September 2021 Oil and Natural Gas New Source Performance Standards (NSPS) and Emission Guidelines under Clean Air Act section 111. An API representative spoke at EPA's Oil and Gas Listening Sessions (June 15-17, 2021).

API has met several times with EPA technical staff since January 2021, when EO 13990 directed EPA to review the Oil and Gas NSPS and establish Emission Guidelines for existing sources. API's areas of interest in upcoming rulemaking include:

- Desire for semiannual, as opposed to more frequent, fugitive emission monitoring frequency at new and existing well sites.
- Flexibility to use alternative screening technologies for fugitive emissions monitoring in place of routine optical gas imaging monitoring.
- Maintaining requirements in the NSPS and applying those same requirements to existing sources. However, API believes current standards for wet seal centrifugal compressors may be problematic for existing sources.

API's Environmental Partnership is a voluntary initiative that addresses some of the largest emission sources, including fugitive monitoring at all sites; moving away from high bleed pneumatics, with several members moving to zero bleed controllers; liquids unloading practices to reduce venting time; and reduced flaring of associated gas. Overall, EPA's voluntary partnership programs (Natural Gas STAR and Methane Challenge) have had very little interaction with API on the voluntary programs, although API participated in a panel discussion at the Natural Gas

STAR All-Partnership workshop in November 2019, sharing information about the API Environmental Partnership.

Carbon Pricing

On March 25th, 2021, API announced it supports carbon pricing as part of its oil and gas industry policy framework to address the risks of climate change.

Ex. 5 Deliberative Process (DP)

Benefit – Cost Rule

Per EO 13990, the EPA conducted a comprehensive review of the previous administration’s “Benefit-Cost Rule” and concluded that the rule should be rescinded in its entirety for several reasons:

Ex. 5 Deliberative Process (DP)

API’s Howard Feldman submitted oral comments at the BCA Rescission hearing. API supported the 2020 rule and API believes that EPA should have

amended the 2020 rule, not rescinded it. API does not support a rescission and believes a replacement rule should be issued.

Timeline

- EPA published an interim final rule (IFR) rescinding the previous administration's benefit-cost rule and taking public comment in the Federal Register on May 14.
- Hosted a virtual public hearing on June 9.
- B-C Rescission rule IFR effective date was June 14
- OAR voluntarily accepting comments on the IFR for 30 days (thru July 14).
- Sixty-day window for judicial challenges of the IFR closes on 7/17.
- Follow-up Final Rule FR publication anticipated for late Aug./early Sept. with effective date 30 days later.

Transportation Fuels

EPA/OAR/OTAQ has worked with API's Downstream Committee on many fuel quality rulemakings over the years (i.e., gasoline and diesel fuel desulfurization, gasoline benzene and volatility).

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

National Ambient Air Quality Standards (NAAQS)

EPA/OAQPS periodically meets with API at API's request to discuss a number of regulatory topics, including the NAAQS.

Particulate Matter (PM) NAAQS

On June 10, 2021, EPA announced it will reconsider the previous administration's decision to retain the primary (health-based) and secondary (welfare-based) PM NAAQS.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ozone (O3) NAAQS

With regards to ozone, EPA is still reviewing the 2020 decision.

Hydraulic Fracturing Technology.

Ex. 5 Deliberative Process (DP)

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Ex. 5 Deliberative Process (DP)

PFAS

Ex. 5 Deliberative Process (DP)

IV. PARTICIPANTS

- Mike Sommers, API – *facilitates Q&A*
- Greg Garland, Phillips 66 and API Chairman – *introduces YOU*
- Amanda Eversole, API
- Al Monaco, Enbridge Inc.
- Dan Dinges, Cabot Oil & Gas Corporation
- Darren Woods, Exxon Mobil Corporation
- David Lawler, BP America, Inc.
- Jeff Miller, Halliburton
- John Christmann, Apache Corporation
- John Hess, Hess Corporation
- Michael Hennigan, Marathon Petroleum Corporation
- Michael Wirth, Chevron Corporation
- Vicki Hollub, Occidental Petroleum Corporation

V. PRESS PLAN

- This event will be closed press

VI. SEQUENCE OF EVENTS

- **YOU** arrive and meeting begins
- Mike Sommers gives introductory remarks and introduces attendees briefly
- Greg Garland gives introductory remarks and introduces **YOU**
- **YOU** give introductory remarks
- Mike Sommers facilitates Q&A between **YOU** and attendees
- **YOU** deliver closing remarks and depart, meeting ends

VII. HOST INFO

With more than 600 members, API represents all segments of America's oil and natural gas industry.

VIII. ATTACHMENTS

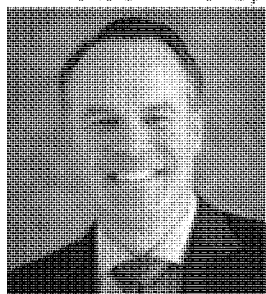
Introductory Remarks and Talking Points

IX. AUDIENCE AND NOTABLE ATTENDEES

Attendees CEOs of major oil and related industry corporations, and they are senior leadership on API's Board of Directors.

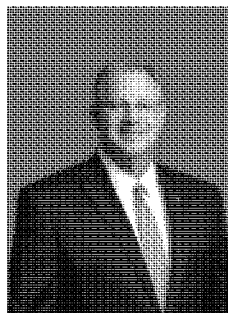
BIOGRAPHIES OF [GROUP]

Mike Sommers, CEO of API



Mike Sommers is the 15th chief executive of the American Petroleum Institute (API), the largest national trade association representing all aspects of America's natural gas and oil industry. Previously, Sommers headed the American Investment Council, representing the nation's leading private equity and growth capital firms and other business partners. Throughout his career, Sommers has held critical leadership roles in the U.S. House of Representatives and at the White House, including as Chief of Staff for Speaker of the House John A. Boehner and Special Assistant to President George W. Bush at the National Economic Council. Sommers is a native of Naperville, Ill., and a graduate of Miami University in Oxford, Ohio. He is married to Jill Sommers, a former Commissioner at the Commodity Futures Trading Commission (CFTC). They have three children and live in Alexandria, Virginia.

Greg Garland, Phillips 66 and API Chairman



Greg Garland is chairman and CEO of Phillips 66, a diversified energy manufacturing and logistics company. A chemical engineer, Garland has 40 years of industry experience in technical and executive leadership positions within the oil and natural gas and chemicals industries. Previously, Garland had served as senior vice president, Exploration and Production, Americas, for ConocoPhillips since 2010. Prior to joining ConocoPhillips, Garland was president and chief executive officer of Chevron Phillips Chemical Company, which is now a joint venture between Phillips 66 and Chevron. Garland began his career with Phillips in 1980 as a project engineer for the Plastics Technical Center. He later worked as a sales engineer for Phillips' plastics resins, business service manager for advanced materials, business development director, and olefins manager for chemicals.



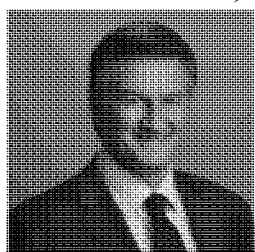
Amanda Eversole, API, Executive Vice President

Amanda Eversole serves as executive vice president & chief operating officer, leading efforts to integrate API's diverse functions and develop and implement a strategic plan for the natural

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gas and oil industry. Eversole previously served as Managing Director and Head of Public Affairs at JPMorgan Chase & Co., overseeing strategic communications, civic engagement and strategy for the corporate responsibility team. Eversole created and built JPMorgan Chase & Co.'s public affairs function, leveraging a campaign style process focused on aligning inclusive economic growth and deeper local engagement around the world. Eversole also created a framework for the firm's philanthropic approach, which was highlighted last year as part of Fortune's "#1 Company Changing the World" recognition.

Al Monaco, Enbridge Inc., President and CEO



Appointed as President, Chief Executive Officer and a Director of Enbridge in 2012, Al Monaco has led Enbridge through a period of unprecedented growth combined with a continued focus on safety, reliability and environmental protection that has positioned it as North America's leading energy infrastructure company. Al is a champion of North America's energy industry and its ability to become a global leader by supplying affordable, reliable and responsible energy to the world. He is a Director and member of the American Petroleum Institute Executive and Finance Committees, and a member of the U.S. National Petroleum Council, the Business Council of Canada, the Business Council of Alberta, and the Catalyst Canada Advisory Board. Al is a staunch supporter of the community, including the United Way and the annual Enbridge Ride to Conquer Cancer. Al and his wife Laurie live in Calgary and have three sons.

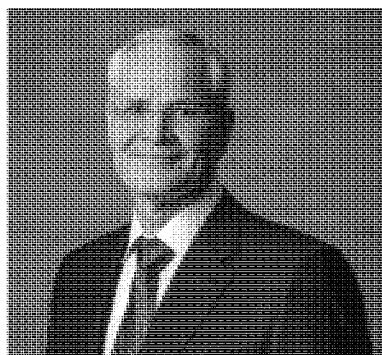
Dan Dinges, Cabot Oil & Gas Corporation, President and CEO



Mr. Dinges joined Cabot Oil & Gas Corporation in September, 2001 as its President and Chief Operating Officer, and a member of its Board of Directors. In May, 2002 he assumed his current position as Chairman, President and CEO. Prior to joining Cabot, Mr. Dinges held various management positions over 20 years with Noble Energy. In May 2015, Mr. Dinges was appointed chairman of the American Exploration & Production Council, a national trade association representing 31 of America's premier independent natural gas and oil exploration and production companies. Mr. Dinges serves on

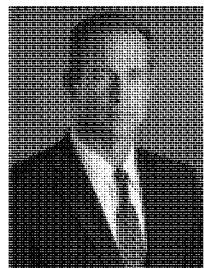
the board of directors of American Petroleum Institute, American Exploration & Production Council, Spitzer Industries, Inc., Boy Scouts of America, and Palmer Drug Abuse Program. He also serves on the executive committee of the Kay Bailey Hutchison Center for Energy, Law and Business at The University of Texas at Austin. Mr. Dinges is a member of the All-American Wildcatters. He received a Bachelor of Business Administration degree in Petroleum Land Management from The University of Texas.

Darren Woods, Exxon Mobil Corporation, Chair and CEO



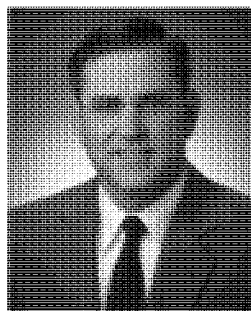
Mr. Woods joined Exxon Company International in 1992 as a planning analyst in Florham Park, New Jersey. He progressed through a number of domestic and international assignments for Exxon Company International, ExxonMobil Chemical Company and ExxonMobil Refining and Supply Company. Darren Woods is a graduate of Texas A&M University, where he earned a Bachelor of Science degree in electrical engineering. He also holds a Master of Business Administration degree from Northwestern's Kellogg School of Management in Evanston, Illinois. Mr. Woods is currently vice chairman of the National Petroleum Council, and he serves on the board of directors of the American Petroleum Institute and the board of trustees of the Center for Strategic and International Studies. He is also a member of the Business Roundtable, the Business Council and the Texas A&M University Engineering Advisory Council.

David Lawler, BP America, Inc., CEO

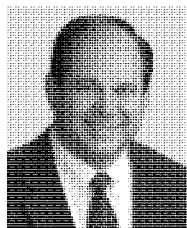


In addition to his current role of chief executive of bpx energy, effective 1 July 2020, David assumed the position of chairman and president of bp America Inc., succeeding Susan Dio. In his new role, David serves as bp's chief representative in the United States. Since joining bp in 2014, David has led the revitalization of the US onshore business, significantly improving the safety and commercial performance of the organization. In 2018, David played a key role in the \$10.5 billion acquisition of BHP's onshore assets, the largest for bp in over 20 years.

Jeff Miller, Halliburton, President



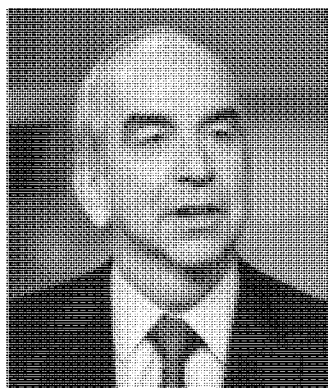
Jeff Miller is president of Halliburton, with responsibility for managing corporate strategic initiatives. He is also the Company's chief Health, Safety and Environment officer, and a member of the Halliburton Board of Directors. Since joining the Company in 1997, Mr. Miller has served in several roles, including his most recent as chief operating officer. In this capacity, he was responsible for developing and executing the Company's operational strategy, and aligning short- and long-term objectives with the Company's overall strategy. Mr. Miller holds a Bachelor of Science in agriculture and business from McNeese State University, and an MBA from Texas A&M University. He is a certified public accountant, a member of the Advisory Council for Texas A&M University Dwight Look College of Engineering, and a member of the board of directors of Atwood Oceanics, Inc.



John Christmann, Apache Corporation, CEO and President

JOHN J. CHRISTMANN IV, 53, was appointed the Company's chief executive officer and president, and joined the Company's Board of Directors effective January 20, 2015. Mr. Christmann previously served as the Company's executive vice president and chief operating officer, North America, since January 2014. With over 31 years in the oil and gas industry, including over 22 years at the Company leading both operational and staff functions and most recently serving as chief executive officer, Mr. Christmann has the proficiency and depth to manage and operate a large-scale oil and gas exploration and production company. Previously, Mr. Christmann was employed by Vastar Resources/ARCO Oil and Gas Company in business development, crude oil marketing, and various production, operational, and reservoir engineering assignments.

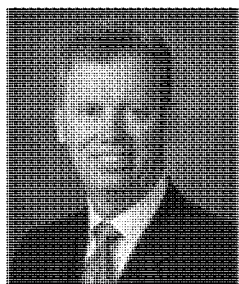
John Hess, Hess Corporation, CEO



John B. Hess is Chief Executive Officer of Hess Corporation. Mr. Hess led the Fortune 500 company through a strategic transformation from an integrated oil company into a pure play E&P company. Mr. Hess previously served on the Secretary of Energy Advisory Board Quadrennial Review Task Force. He is a member of the Board of Directors of KKR & Company and the Board of Trustees at the Center for Strategic and International

Studies. He is also a member of The Business Council, the Trilateral Commission and the Council on Foreign Relations, and serves on the Executive Committee of the American Petroleum Institute. In addition, Mr. Hess serves on the Board of Directors of the Lincoln Center for the Performing Arts and on the Board of Trustees at Mount Sinai Hospital, The New York Public Library and The Economic Club of New York.

Michael Hennigan, Marathon Petroleum Corporation, President and CEO



Mr. Hennigan is chairman of the board, president and chief executive officer of MPLX GP LLC. He is also president and chief executive officer of Marathon Petroleum Corporation. Prior to joining MPLX GP LLC in 2017, Mr. Hennigan was president, crude, NGL and refined products of the general partner of Energy Transfer Partners L.P. Prior to that, he served as president and

chief executive officer of Sunoco Logistics Partners L.P. He was responsible for all operations and business activities, including setting the direction, strategy and vision for the company. Mr. Hennigan began his career with Sunoco, Inc. in 1981 at the Marcus Hook refinery, working in various engineering and operations positions before joining the business planning department in 1990. Mr. Hennigan holds a Bachelor of Science degree in chemical engineering from Drexel University.

Michael Wirth, Chevron Corporation, Chair and CEO



Michael K. (Mike) Wirth, 60, is chairman of the board and chief executive officer of Chevron Corporation. He was elected to these positions by Chevron's board of directors in September 2017 and assumed the roles on February 1, 2018. Prior to his current role, Wirth served as vice chairman of the board in 2017 and executive vice president of Midstream & Development for Chevron Corporation from 2016 – 2018. In that role, he was responsible for supply and trading, shipping, pipeline and power operating units, as well as corporate strategy; business development; and policy, government and public affairs. Wirth serves on the board of directors of Catalyst, the board of directors and executive committee of the American Petroleum Institute, and the executive committee of the International Business Council of the World Economic Forum. He is also a member of The Business Council, the National Petroleum Council, the Business Roundtable, the American Society of Corporate Executives, and the American Heart Association CEO Roundtable. He earned a bachelor's degree in chemical engineering from the University of Colorado in 1982.

Vicki Hollub, Occidental Petroleum Corporation, President and CEO



Ms. Hollub became President and Chief Executive Officer of Occidental Petroleum Corporation in April 2016. She has been a member of Occidental's Board of Directors since 2015. During her 35-year career with Occidental, Ms. Hollub has held a variety of management and technical positions with responsibilities on three continents, including roles in the United States, Russia, Venezuela and Ecuador. Most recently, she served as Occidental's President and Chief Operating Officer, overseeing the company's oil and gas, chemical and midstream operations. Ms. Hollub previously was Senior Executive Vice President, Occidental Petroleum, and President, Oxy Oil and Gas, where she was responsible for operations in the U.S., the Middle East region and Latin America. Prior to that, she held a variety of leadership positions, including Executive Vice President, Occidental, and President, Oxy Oil and Gas, Americas; Vice President, Occidental, and Executive Vice President, U.S. Operations, Oxy Oil and Gas; Executive Vice President, California Operations; and President and

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General Manager of the company's Permian Basin operations. Ms. Hollub started her career at Cities Service, which was acquired by Occidental. Ms. Hollub serves on the boards of the American Petroleum Institute. She is the chair of the U.S. Secretary of Energy Advisory Board, a stewardship board member for the World Economic Forum's Platform for Shaping the Future of Energy and Materials, and a member of the Oil and Gas Climate Initiative. A graduate of the University of Alabama, Ms. Hollub holds a Bachelor of Science in Mineral Engineering. She was inducted into the University of Alabama College of Engineering 2016 class of Distinguished Engineering Fellows.

FULL PROGRAM

[Description of additional facets of event in which the Administrator is not personally involved.]

TALKING POINTS FOR ADMINISTRATOR MICHAEL S. REGAN
POTENTIAL API DISCUSSION TOPICS
July 12, 2021

Methane Regulation

- As you know, President Biden put EPA's oil and natural gas regulations at the top of the list of rules to be reviewed as part of his Executive Order on climate change.
 - That order directs EPA to consider strengthening current standards for methane emissions from new, reconstructed, and modified sources by September 2021. It also instructs us to propose new standards and guidelines by September to address emissions of methane and volatile organic compounds, or "VOCs," from existing sources, something we have not done at the nationwide level before.
- As a result of the recent enactment of the resolution of disapproval under the Congressional Review Act, the 2020 Policy Rule has been nullified, and the 2016 NSPS requirements, issued by the Obama Administration, for new and modified sources in the oil and gas industry to control methane are reinstated. This means that the transmission and storage segment of the industry and methane emissions are once again covered by EPA's New Source Performance Standards.
 - With those requirements back in place, EPA will focus its efforts on strengthening the current requirements and proposing new requirements to reduce methane pollution from new and existing oil and gas sources nationwide, as directed in the President's executive order.
 - EPA is also working to provide industry with information to clarify the impact of the CRA resolution on compliance requirements and will consider further steps in the upcoming rulemaking proposal to streamline compliance with the reinstated standards.
- As we develop a proposal, we want to hear from all stakeholders, and especially the oil and gas industry, on how best to reduce emissions, to encourage deployment of innovative technologies to measure methane, and to develop a rule that works well with existing state regulatory programs.

Carbon Pricing

- We know from the enormous success of our Clean Air Markets Division that pollutant pricing – by means of establishing a mandatory cap and permitting trading – can be a very effective tool for achieving emissions reductions.
- While policies such as a cap-and-trade program or carbon tax that explicitly price carbon are a matter for Congress, we can implicitly price carbon by taking a whole-of-government approach and incorporating the social cost of GHGs into our decision making.
- We should also emphasize that the Administration is concerned about environmental justice and equity, and strictly price-based approaches may not be the best way to address climate change in an equitable way. The use of both regulations and government programs allows us to move forward on both priorities.

Cost – Benefit Rule

- EPA will continue to conduct rigorous, state-of-the-art benefit-cost analyses in accordance with the applicable Executive Orders and Office of Management and Budget directives.

- EPA has invited public comment on this rule and held a public hearing. We intend to follow the interim-final rule with a final rule that responds to comments received during the public comment period and reflects any accompanying changes to the Agency's approach.

Climate Change

- On day one, the President established clear priorities for this administration to protect public health, to address the climate crisis, and to advance environmental justice – all while restoring science as the backbone of our decision-making.
- When the President took office, he issued an Executive Order that asked EPA to review all rules from the previous administration to ensure they're consistent with science, adhere to the law, and protect public health and the climate. And where we believe those standards haven't been met, we're taking action to revise them.
- The Climate Change Division is also in the process of completing a report that quantifies the risk of climate change to socially vulnerable populations in the United States across six key areas, Air Quality, Temperature Mortality, Labor, Roads, Coastal Flooding, and Inland Flooding. This report contributes to a better understanding of the degree to which socially vulnerable populations may be more exposed to the greatest impacts of climate change.

PFAS in Flame Retardants

- The scope of PFAS contamination in the United States and the potential public health threat makes our task to address these chemicals particularly challenging and urgent.
- I've made tackling this problem one of my top priorities. EPA will take meaningful action, following the science and following the law, to better understand and ultimately reduce the potential risks caused by these chemicals.
- In the early days of this administration, we took some important steps:
 - Taking action to move forward on a national primary drinking water regulation development process for PFAS.
 - Pulled down a PFBS toxicity assessment that had been politically compromised and issued a new assessment backed by career scientists.
 - Established an EPA Council on PFAS, comprised of EPA employees who are working to develop a four-year strategy.
 - Proposed the first-ever reporting requirements for a wide range of PFAS chemicals manufactured in the United States.
- We recognize PFAS is an urgent public health challenge. We're committed to working with all our partners to protect the health and safety of all people and all communities.
- *[If press on flame retardants]* Releases of Aqueous Film Forming Foams (AFFF) should be minimized because PFAS are persistent in the environment. In using AFFF, care should be taken to minimize its release into the environment. EPA encourages the use of training foams that are available, which simulate AFFF without containing PFAS.

Hazardous Substances Under CERCLA

- In January 2021, former EPA Administrator Wheeler signed an advance notice of proposed rulemaking (ANPRM) seeking comment on potentially designating PFOA and PFOS as hazardous substances.
- The ANPRM was not published in the Federal Register and is undergoing review in accordance with the Regulatory Freeze Pending Review Memorandum issued on January 20, 2021.

- EPA is currently discussing options for moving forward with the hazardous substance designation of PFOA and PFOS and is committed to protective steps guided by science and the law moving forward.

PM NAAQS

- As you know, A core responsibility of the Office of Air and Radiation is establishing and implementing the National Ambient Air Quality Standards, a key part of the Clean Air Act.
- In the President's EO, he prioritized revisiting the December 2020 final decisions for the ozone and particulate matter NAAQS reviews.
- Recently, EPA announced that we will reexamine the previous administration's decision to retain the PM NAAQS, which were last strengthened in 2012.
- EPA is reexamining the December 2020 decision because available scientific evidence and technical information indicate that the current standards may not be adequate to protect public health and welfare, as required by the Clean Air Act.
- The agency received numerous petitions for reconsideration as well as lawsuits challenging the December 2020 final action.
- EPA will move expeditiously to reconsider the decision to retain the PM NAAQS, and in a manner that adheres to rigorous standards of scientific integrity and provides ample opportunities for public input and engagement.
- We expect to issue a proposed rulemaking in Summer 2022, and a final rule in Spring 2023.

Fracking

- Well, the President has been clear we're not going to ban fracking.
- We'll protect jobs and grow jobs, including through stronger standards, like controls from methane leaks and union workers willing to install the changes.
- However, we know that the future is in clean energy jobs, and that is where the President is investing.
- We need to recognize that is where the U.S. is shifting, and we need to recognize that is a transition. But there is so much opportunity in wind, solar, and carbon capture, and the President is focused on seizing on that opportunity.

RFS

- All of you know that the RFS program is a big part of the policy picture when it comes to transportation fuels. And I realize many of you have years of experience in complying with the program's requirements.
- I also understand that a number of API members have taken steps to incorporate biofuels more deeply into your production portfolios, particularly with respect to renewable diesel.
- My approach to the RFS starts with the law passed by Congress. The Agency's approach is to follow the law, and my primary goal is to get this program back on track. I don't have to tell all of you that the prior Administration got the RFS off track in a number of ways, including failing to do the basic task of setting an RVO for 2021.

- On top of that, 2020 and its impact of the economy have sent ripples through the program and the fuels markets in general.
- So, I came into this job with multiple holes to dig out of on RFS. We're on our way to doing that.
- We are working hard to get the RVO process back on track. I know you all agree that it benefits everyone involved to have the RVOs finalized on the timelines that Congress envisioned, and we're working hard to do that. I can't give you an exact timeline, but we hope to have a proposal over to OMB very soon.
- I would imagine you would all like to know more about the actual contents of the RVO proposal. Since we are in the middle of the process, I can't share details today. I can say that as the EPA team has been working to develop that proposal, I have been meeting with all RFS stakeholders to gather their input.
- I'm talking to all of you today. But, of course, there are other interests and perspectives on the program, and I think it's my responsibility to talk to them as well. I think it's important to bring everyone to the table, and to hear from a variety of perspectives. That was a hallmark of my leadership in North Carolina and an approach that I bring to my role as EPA Administrator.
- Finally, I want to recognize the vital role API played in the collaborative development of a complete overhaul of EPA's fuel quality regulations through the Fuels Regulatory Streamlining rule, which went into effect in January of this year.
- That action is helping to reduce compliance costs for industry as well as EPA, while improving overall compliance assurance and maintaining environmental performance.
- EPA is now in the implementation phase of the rulemaking and we intend to continue to meet with affected stakeholders.
- I want to underscore that EPA is committed to engaging with our stakeholders, and that commitment to engagement will continue as we develop fuel policies under the Biden-Harris Administration.
- We have greatly appreciated and benefited from our working relationship in the past and look forward to continuing to do so as we confront the climate change crisis facing our country now.

Environmental Justice

- President Biden's "whole of government" approach also applies to advancing a systematic approach to environmental justice, equity, and equal opportunity.
- The President signed an Executive Order that directs every federal agency to embed environmental justice and equity into their decision-making.
- At EPA, we're living and breathing this mission.
 - I've been hosting monthly roundtables with environmental justice leaders, so that I'm hearing directly from our EJ leaders on a consistent basis and understanding the concerns on the ground.
- As we consider new regulations, we are committed to reaching out to stakeholders and especially communities early on and throughout the regulatory process.
 - Ex: Oil and Gas webinars for EJ stakeholders, Oil and Gas listening sessions for communities

###

**TALKING POINTS FOR ADMINISTRATOR MICHAEL S. REGAN
AMERICAN PETROLEUM INSTITUTE
JUNE 12, 2021**

- Thanks for joining me. It's great to be here.
- As some of you may know, this is my second tour at EPA. I got my start at EPA more than 20 years ago, working under both Democratic and Republican administrations. I worked with state and local officials, industry leaders, and frontline and fence line communities to design pragmatic solutions to our environmental challenges.
- Most recently, I served as Secretary for the Department of Environmental Quality in my home state of North Carolina.
- Throughout my career, I've learned that if you want to address complex challenges, you must be able to see them from all sides, and you must be willing to put yourself in other people's shoes. The best way to do that is to convene stakeholders where they live, work, and serve. That's exactly what we're doing here today, and that's exactly the approach I'm leading with as EPA Administrator.
- That spirit of collaboration – that willingness to find common ground – is going to be even more important now, because we have lot of work and opportunity ahead of us.
- As you know, on day one of his Administration, President Biden committed to launching the most ambitious climate agenda in our nation's history.
- The Executive Order directed EPA to address climate-and health-harming pollution from the oil and gas sector. Reducing methane emissions is a critical requirement for combatting the climate crisis – and can go hand in hand with reducing smog-forming pollution and emissions of air toxics.
- The EO directs EPA to consider strengthening current standards for emissions of methane and VOCs from new, reconstructed, and modified sources by September 2021. It also instructs us to propose new standards and guidelines by September to address emissions from existing sources, something we haven't done at the national level before.

- With Obama-era requirements back in place, EPA will focus its efforts on strengthening existing requirements and proposing new requirements to reduce methane pollution from new and existing oil and gas sources nationwide, as directed in the President's executive order. *[Note: As a result of the recent Congressional joint resolutions under the Congressional Review Act, the 2020 Policy Rule has been revoked. This action reinstated Obama Administration requirements for controlling methane from new and modified sources and the transmission and storage segment of the industry is once again covered by EPA's New Source Performance Standards].*
- The President's order sets an ambitious timeline for addressing pollution from oil and natural gas sources – we expect to issue a proposal this September. Even with this timeline, I believe it's critical that we hear from the people affected by the regulations we develop.
- We are seeking input – and especially industry input – on how best to achieve cost-effective reductions in emissions, to encourage continued development and deployment of innovative technologies to measure methane, and to develop a rule that works well with existing state regulatory programs.
- As you know, we have opened a public docket to collect information and comments before we issue our proposal, and we recently held three days of public listening sessions. We appreciate your participation in those and API's public support for regulation of methane from new and existing sources.
- I believe we will need all the tools available to us – including both voluntary and regulatory programs – as we work to reduce methane emissions.
- Voluntary efforts on the part of industry, like API's Environmental Partnership, can be an important tool in tackling some of the largest emission sources in the industry, so I commend your efforts in this area.
- So again, I want to thank you again for being here today, for your ongoing efforts to reduce methane and other emissions from the oil and gas industry, and for your willingness to work with us to develop regulations that will protect human health and the environment.

###



**Event Memo - American Farm Bureau Federation Council of Presidents
Conference**

Printed on 07/12/2021

Filed: 07/12/2021 4:20PM

APPROVED BY: Rosemary Enobakhare, OPEEE

EVENT MEMO

July 7, 2021

MEMORANDUM FOR THE ADMINISTRATOR

FROM: ROSEMARY ENOBAKHARE, OFFICE OF PUBLIC
ENGAGEMENT, 202.573.4614,
Enobakhare.Rosemary@epa.gov

CC: AGRICULTURE ADVISORS OFFICE, OFFICE OF
PESTICIDE PROGRAMS, OFFICE OF WATER, OFFICE OF
AIR

SUBJECT: American Farm Bureau Federation Council of Presidents
Conference

EVENT DATE: Tuesday, July 13, 2021

TIME: 10:00 AM- 10:45 AM

LOCATION: Renaissance Capital View Hotel, 2800 South Potomac Avenue,
Arlington, VA 22202 – Salon 4

ATTIRE: Business

WEATHER: Chance of rain, high of 91 low of 75

STAFFING: Rosemary Enobakhare, 202.573.4614, or Loni Cortez Russell,
202-819-3990

I. STATEMENT OF PURPOSE

YOU will provide a keynote speech and fireside chat at the Farm Bureau's in-person Council of Presidents meeting, where the 50 state Farm Bureau presidents

[PAGE] of [NUMPAGES]

and Puerto Rico will convene for two days. At this policy-policy focused event,

Ex. 5 Deliberative Process (DP)

Zippy Duvall, AFBF President will moderate the meeting. **YOU** will be introduced by Shawn Harding, North Carolina Farm Bureau President. **YOU** spoke with Ryan Yates, American Farm Bureau Federation, as part of EPA's March agriculture roundtable call and met with Iowa Farm Bureau President Craig Hill at the Iowa Agriculture Roundtable in May. Senator Debbie Stabenow (D-MI, Senate Agriculture Committee Chairwoman, Environment and Public Works) will be speaking on the same day.

Speakers for the next day will include Ambassador Katherine Tai, United States Trade Representative, Senator John Boozman (R-AR), and The Honorable Dr. Jewel Brunaugh, Deputy Secretary of Agriculture, USDA.

II. KEY POINTS

- **Agriculture Engagement.** You will address how **YOU** and President Biden are committed to working with agricultural leaders to promote healthy and secure food supplies, clean air, and clean water for all Americans. And how you have made clear that this community will always have a seat at the table.

Ex. 5 Deliberative Process (DP)

III. BACKGROUND

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**Event Memo - American Farm Bureau Federation Council of Presidents
Conference**

Printed on 07/12/2021

The American Farm Bureau Federation (AFBF) is a national association representing farmers and ranchers in all 50 states and Puerto Rico. AFBF works with Congress and federal agencies to advocate for policies conducive to a healthy and reliable food supply, and robust rural economies.

Regional Offices, working with the Regional Ag Advisors, have established MOUs, with the Mississippi Farm Bureau, Illinois Farm Bureau and one with the New Mexico Farm and Livestock Bureau, just announced in June 2021. Others are interested in developing MOUs as well.

Renewable Fuels – Stakeholders support farmers, biofuels, the Renewable Fuel Standard (RFS), and limiting Small Refinery Exemptions (SREs).

Ex. 5 Deliberative Process (DP)

WOTUS

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Printed on 07/13/2021

Ex. 5 Deliberative Process (DP)

IV. PARTICIPANTS

- Zippy Duvall, President, American Farm Bureau Federation – *moderates fireside chat*
- Shawn Harding, President, North Carolina Farm Bureau -- *introduces YOU*

V. PRESS PLAN

Closed Press

VI. SEQUENCE OF EVENTS

- **YOU** arrive at 10:00 AM and are greeted at the hotel lobby by Ryan Yates, AFBF Ex. 6
- Zippy Duvall and Shawn Harding will greet **YOU** prior to entering the main room. **YOU** will be set up with a lavalier microphone. A podium will be available for your speech, but will not have a microphone due to COVID restrictions.
- At 10:15 AM, attendees will finish a break and **YOU** will be introduced by the North Carolina Farm Bureau President, Shawn Harding.
- **YOU** will proceed to the podium for your speech. Principle attendees will be sitting in a classroom formation. After your speech, you will join Zippy Duvall to sit down for the prepared Q&A in a fireside chat format.
- **YOU** depart at 10:45 AM

VII. HOST INFO

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**Event Memo - American Farm Bureau Federation Council of Presidents
Conference**

Printed on 07/12/2021

Conference held at Renaissance Capital View Hotel in Arlington, VA.

VIII. ATTACHMENTS

- Agenda
- Biographies
- Q &A
- Speech

IX. AUDIENCE AND NOTABLE ATTENDEES

Other Speakers

Senator Debbie Stabenow (D-MI)

Ambassador Katherine Tai, United States Trade Representative

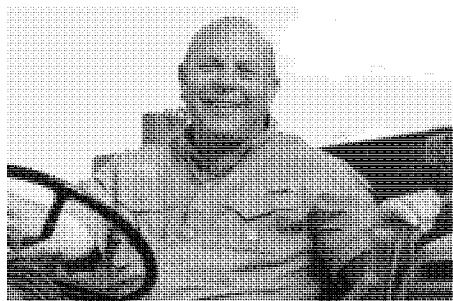
Senator John Boozman (R-AR)

Audience Members

Attendees include all the 51 Farm Bureau Presidents (50 states and Puerto Rico), plus AFBF staff.

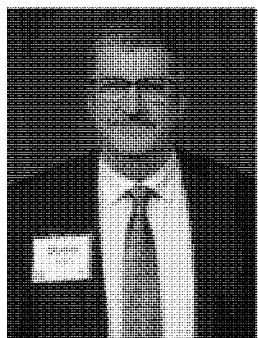
BIOGRAPHIES OF PARTICIPANTS

Duvall, Zippy, President American Farm Bureau Federation



Zippy Duvall has served as president of the American Farm Bureau Federation since 2016. He is a third-generation farmer from Georgia. He owns a beef cow herd, raises broiler chickens and grows his own hay, all while continuing to restore the land he inherited. Through his leadership as AFBF president, Duvall has helped to shape a new farm bill, defeat misguided regulations, shepherd new trade agreements and ensure farmers and ranchers are supported through natural disasters and the devastating effects of the COVID-19 pandemic. In 2017, Duvall was honored by the National 4-H Council as a founding luminary, a group of influential 4-H alumni. Prior to being elected AFBF president, he was president of the Georgia Farm Bureau and served on the AFBF board of directors. Duvall and his late wife, Bonnie, were married for more than 40 years, raised four children and welcomed five grandchildren. They were honored with the national Young Farmer and Rancher Award in 1982.

Harding, Shawn, North Carolina Farm Bureau



The Beaufort County native grew up helping tend his father's farm before graduating from N.C. State University in 1988. He spent 30 years working at his Southside Farms in eastern North Carolina near Chocowinity. Harding joined the N.C. Farm Bureau Federation staff after harvesting his last crop in 2018. In his career, he has served as the Beaufort County Farm Bureau president; chairman of the N.C. bureau's Resolutions Committee and presided on its board of directors. For the last year, he was the federation's public policy director.

Ryan Yates, Managing Director of Public Policy, American Farm Bureau Federation -- greets you

Event Memo - American Farm Bureau Federation Council of Presidents Conference

Printed on 07/12/2021



In this role, Yates manages the AFBF Public Policy department in the preparation and execution of strategies to implement Farm Bureau legislative and regulatory policy priorities. Yates previously served as Director of Congressional Relations at AFBF where he advocated on behalf of American farmers and ranchers on policy issues including federal lands management, the Endangered Species Act, and protection of private property rights. He has 17 years of experience in natural resource and land use issues in Washington, D.C. having served on the staff of the U.S House of Representatives Committee on Resources, as well as lobbying for the National Association of Counties and National Association of Conservation Districts. Yates is a 2003 graduate of California Polytechnic State University, San Luis Obispo, obtaining a degree in Agricultural Business with a minor in Economics.

Last Interaction: Ryan Yates served as AFBF's proxy when **YOU** convened agriculture stakeholders for a roundtable.

Possible Senior AFBF Staff in attendance:

Dale Moore
Executive Vice President

Sarah Brown
Executive Director, Industry Relations

Margee Wolff
Vice President Leadership, Education, & Engagement

Daniel Meloy
Executive Director, AFB Foundation for Agriculture

Sam Kieffer
Vice President, Public Affairs

Ryan Yates
Managing Director, Public Policy

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Printed on 07/13/2021

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**Event Memo - American Farm Bureau Federation Council of Presidents
Conference**

Printed on 07/12/2021

Scott Bennett
Director, Congressional Relations

Allison Crittenden
Director, Congressional Relations

Don Parrish
Senior Director, Regulatory Relations

David Salmonsens
Senior Director, Congressional Relations

Andrew Walmsley
Director, Congressional Relations

Shelby Hagenauer
Director, Congressional Relations

Emily Buckman
Director, Congressional Relations

Cody Lyon
Managing Director, Advocacy & Political Affairs

Randy Dwyer
Director, Advocacy & Grassroots Development

REMARKS FOR ADMINISTRATOR MICHAEL S. REGAN
AMERICAN FARM BUREAU FEDERATION
JULY 13, 2021

Thank you, Greg, for that introduction. I'm excited to be here and to have the opportunity to speak with all of you.

The agricultural community is the backbone of our country, and I believe that we share a common commitment to protecting our environment, our communities, and our economy.

My father was an agricultural extension agent for many years in North Carolina, and my grandfather was a small farmer – he planted soybeans, corn, peanuts, and raised pork and poultry too. I've spent a lot of time with small farmers and with rural communities whose lifeblood is agriculture over the years, so this this is a community that's very important to me... and to President Biden.

The President has made it abundantly clear that agriculture will always have a seat at the table – because your perspectives are critical to promoting healthy and secure food supplies, ensuring clean air and clean water for all our families, and confronting climate change.

Simply stated, we can't do this work without you.

Throughout my career, I've learned that if you want to address complex challenges, you must be able to see them from all sides. You must be willing to put yourself in other people's shoes.

The best way to do that is by convening stakeholders where they live, where they work, and where they serve.

That's why I'm here today, speaking with all of you. That's also why I've been traveling quite a bit recently. I just got back from a trip to Wisconsin and Michigan talking about the importance of infrastructure, and not too long before then, I spent time in North Carolina, North Dakota, and Iowa. Meeting with folks from the Ag community, listening to their concerns, hearing their priorities, and talking about how we're going to move forward together... *together*.

It's so important to me to get out and meet people in their communities, We've become so accustomed to seeing each other virtually, but being on the ground, seeing people face-to-face – well, it gives a whole different meaning to the work we do every day, why we do it, and who we do it for.

At EPA we want to work closely with agriculture to find practical, common sense solutions to environmental challenges, create jobs and expand economic opportunities in rural communities, and to harness the ingenuity of farmers and ranchers to promote clean energy and tackle climate change.

Farmers and ranchers are on the frontlines of this challenge – seeing changing weather patterns and increasing temperatures, changes in insect and pest behavior, more frequent and extreme precipitation, and drought, all of which can affect broad aspects of agricultural production.

I know this past year has been especially tough on the Ag community – you’ve made sacrifices, so that Americans across this country could have food on their tables, clothes on their backs, and fuel for their daily activities. We owe you a debt of gratitude.

When times are tough, there is no better partner than the Ag community – and I’ve seen that firsthand.

I want to hear from our farming community on a consistent basis. I’ve always found that the best way to overcome environmental challenges is by convening multiple stakeholder groups on how to chart a path forward together.

And so, what I’m hopeful for is that we can find common ground – where small farmers, especially, have a fighting chance in this economy and the environmental community has certainty that, as we move forward, we’re going to follow the science, follow the law, and take a pragmatic approach.

So, I plan to lead the way that's always worked best – bringing everyone to the table, hearing from all sides, keeping the lines of communication open, and always being transparent.

You have my word that our doors will always be open.

Thanks again for having me. I'm looking forward to our discussion.

###

TALKING POINTS FOR ADMINISTRATOR MICHAEL S. REGAN
AMERICAN FARM BUREAU FEDERATION Q&A
JULY 13, 2021

Renewable Fuels Standard

QUESTION 1) Biofuel production is key to the rural economy. Biofuels also provide environmental benefits today and in the future. With the flurry of recent court activity, what is the agency doing to protect the integrity of the RFS? What can the agency do to further drive demand for homegrown, renewable fuels?

ANSWER:

- EPA is focusing on implementing the RFS program in a manner that is consistent with the statutory direction and recent legal decisions. We continue to evaluate opportunities to incentivize increased production and use of renewable fuels.

[Potential Question: What is EPA doing in light of the E15 decision from the DC Circuit Court of Appeals?]

ANSWER:

- EPA is currently reviewing the decision. We understand the importance of E15 to multiple stakeholders and we will be carefully reviewing our options in light of the decision.

Climate

QUESTION 2) As you may know, Farm Bureau has been at the forefront of providing voluntary, incentive-based climate policy solutions. How does the agency intend on being a partner with farmers and ranchers rather than wielding a regulatory hammer when it comes to emissions reductions?

ANSWER:

- EPA has always and will continue to partner with USDA and industry groups when pursuing climate solutions.

- Our two agencies have worked cooperatively for more than 20 years to identify mutually agreeable solutions to address air quality concerns in areas where agricultural-related emissions contributed to the problem.
- EPA and USDA signed a memorandum of understanding (MOU) in 1998 that formalized a working relationship between the two agencies relative to air quality in the agricultural industry
- The MOU outlines joint responsibilities for both agencies regarding agricultural air quality issues. It also provides considerable assurance to the agricultural sector that the exchange of air quality information, the review of research, and the design of implementation measures will be jointly coordinated.
- This cooperative work has been completed through workgroups and the Agricultural Air Quality Task Force and includes such results as:
 - Following the MOU, EPA and USDA issued the Agricultural Equipment Statement of Principles in 2012. These principles reiterate that when measures are taken in the agricultural sector to improve air quality, they are both technologically and economically feasible.
 - To help meet the PM and Ozone NAAQS, EPA and USDA-NRCS, and the affected stakeholders developed a menu-driven approach for addressing ag emissions in their nonattainment State Implementation Plans (SIPs).
 - Best practices and conservation measures
 - NAEMS (National Air Emissions Monitoring Study)
 - NAEMS is a multi-year monitoring study and analysis effort to develop emission models for several pollutants at animal feeding operations (AFOs) including swine, broiler chickens, egg-laying operations, and dairies.
 - EPA has sought USDA review of the draft emission models developed from the NAEMS data to ensure their scientific rigor.
- AgSTAR:
 - In collaboration with the Department of Agriculture, the AgSTAR partnership program will continue to support sustainable and equitable solutions that benefit the environment, farmers, and communities through technical assistance, training, and capacity building.
- EPA will also continue to advance voluntary actions to reduce greenhouse gas emissions through partnerships with industry groups and the federal government.

- For example, EPA and the Innovation Center for U.S. Dairy have signed a Memorandum of Understanding that calls for collaboration to advance sustainable practices in the dairy sector.

QUESTION 3) How does the agency intend to act on recent petitions to regulate livestock operations in a way that might put many farmers and ranchers out of business?

ANSWER:

- We are still evaluating the petitions submitted to the EPA.
- The Biden-Harris Administration has put an emphasis on climate change, and EPA and its scientists are eager to work toward the Administration's goals.
- As we do this work, we prioritize using all the tools in our toolbox. EPA is currently exploring and assessing all the possible tools, both regulatory and voluntary, to achieve greenhouse gas emission reductions across all sectors.
- That work includes continuing to engage the agricultural sector using existing voluntary partnership programs, such as AgSTAR. We have an excellent record of experience using our AgSTAR program and have achieved significant success.
- Ultimately, our goal is to find the policy tools that are most effective at achieving reductions in a way that is also productive for the sector.

Navigable Water Protection Rule

QUESTION 4) It is no secret that AFBF was very critical of the 2015 WOTUS Rule's impacts on farmers and has been very supportive of the Navigable Water Protection Rule. We believe Navigable Water Protection Rule provides clarity farmers need and draws appropriate lines between federal and state jurisdiction. For us, it boils down to whether EPA is regulating land or water with the Clean Water Act.

As it relates to agriculture, why does the Navigable Water Protection Rule need to be changed?

ANSWER:

- The Clean Water Act is not set up such that water resources are differently jurisdictional depending on who owns them or uses them.

- However, it does provide some groups, such as agriculture, to have permitting exemptions, which were designed to allow for more flexibility in applications on the ground.
 - We want to assure you that the definition of WOTUS does not affect the agricultural activity-based exemptions under the Clean Water Act.
 - We are happy to discuss with you how that process could work better for your stakeholders.
- When it comes to WOTUS specifically, we also want to hear from your experience of being regulated under different rules – what has worked best and what has been the biggest struggle with the different approaches to the definition. We want to bring stakeholder insight to bear as we work to develop a durable rule.



QUESTION 5) The photograph behind us is an example of the type of feature not considered a WOTUS categorically before the 2015 Rule. Under the 2015 Rule, these features were deemed jurisdictional.

Can you speak to the implications for a farmer if a parcel like the one here is a WOTUS, particularly under Sections 303 (state water quality standards) and 402 (discharge of pollutants) of the Clean Water Act?

Without committing to whether or not you think this parcel should be a WOTUS, can you appreciate the difficulty for a farmer looking at this parcel and having to figure out whether this is a WOTUS?

ANSWER:

- While I can't speak to a specific example, we do understand that each of the previous rules has been difficult to understand or implement in its own way. We understand that WOTUS is complicated, and we do appreciate the difficulty for individual farmers.
- We really want to hear from you so that we understand where you are finding key challenges with implementation. We also want to hear from the agricultural community about what kind of information could help make a rule clearer for you.
- I also want to note that there is a distinction between whether a water is covered under the Clean Water Act and whether or how permits are required. Most farming activities do not require a permit.
- Even where they are, there are often simple processes such as nationwide permits that are designed to try to address implementation concerns.
- The farming community has a longstanding history of working with EPA regarding regulation under the Clean Water Act, and we as an agency are, and I personally am, committed to that partnership.
- *[If pressed: I wouldn't be able to determine whether it was jurisdictional based on an image. For example, you can't assess what's upstream or downstream].*

QUESTION 6) A critical component of current rule is that it allowed farmers to maintain their Prior Converted Croplands as exempt from CWA requirements with haying or grazing instead of having to plant crops every five years. Previously farmers would often need to interrupt their livestock operations every five years and operate and maintain agronomic equipment solely to maintain their PCC status.

Is there any reason that haying and grazing should be removed from the "agricultural purposes" provision of PCC? Do you agree that the PCC exclusion is vital for farmers and ranchers?

ANSWER:

- I made a commitment in my confirmation hearing to work closely with USDA, and I remain committed to that engagement.

- Prior converted cropland is one example of an issue we know to be important for farmers and ranchers.
- This exclusion was added to our regulatory definition of “Waters of the United States” in 1993 to maintain consistency with the Food Security Act.
- We are committed to partner with USDA to ensure we have a consistent implementation of the term.
- *[If pressed: We’ve heard that PCC is vital for farmers and ranchers, and we’re committed to working with USDA, so that we can be consistent].*
- *[Note: OW does not recommend directly addressing haying and grazing, but it’s important to know that the USDA PCC definition includes commodity crops planted in drained wetlands date and specifically does not include haying and grazing – this was a significant expansion under the Navigable Waters Protection Rule that diverges from the original rationale of the exclusion]*

[IF TIME PERMITS]

Pesticides:

QUESTION 7) Farmers rely on pesticides to combat a multitude of threats to their crops such as insects, weeds and plant disease. Under your leadership, how will EPA approach the needs of farmers to have proper tools to address these threats?

ANSWER:

- EPA’s pesticides program provides growers with the tools they need to deliver a safe, abundant, and affordable U.S. food supply. Registering new active ingredients and new uses are key to providing lower risk alternatives and new tools and chemistries with safer choices for pest management needs. This year, EPA has registered several new pesticides, including conventional, biochemical, and microbial pesticides.

- To help farmers address serious pest threats, we've completed the expeditious review and response to 18 Section 18 emergency requests from state and federal partners so far in Fiscal Year 2021, providing growers with tools to control economically threatening pests, including:
 - citrus greening disease in citrus, leaf footed plant bugs in pomegranate, dodder in cranberries, bacteria blast in almond trees, coffee leaf rust in Hawaii coffee, and resistant weed species in various crops including peanut, sugar beet, and sugarcane.
- To make biotechnology pest control tools more accessible to farmers, EPA is working to finalize in 2022 a proposed exemption for plant-incorporated protectants (PIPs) that are identical to those that could be moved through conventional breeding but are created through biotechnology.
- EPA also encourages smart, sensible, and sustainable pest control in agriculture. In May, we opened the application period for grants dedicated to sustainable pest control in agriculture for a \$1 million dollar grant initiative through the Pesticide Environmental Stewardship Program (PESP).
- Through these grants, EPA will support projects that explore innovative practices, technologies, education, and non-regulatory solutions that adopt integrated pest management strategies.
- The application period closed on July 9th and awarded projects will start in the fourth quarter of 2021. EPA anticipates awarding approximately \$1 million in total federal funding to support 10 projects – one from each EPA region.

QUESTION 8) AFBF has provided comments on draft biological evaluations for glyphosate and the triazines—two products very important to farmers across the United States, and we are currently waiting for EPA to publish the draft biological evaluation for several neonicotinoids. We are concerned with the decision to use maximum use rates for pesticides in these evaluations, instead of real-world usage data.

How can EPA defend that it is using the best scientific and commercial data available when the agency continues to incorporate unrealistic modeling assumptions in these draft biological evaluations?

ANSWER:

- In its biological evaluations, EPA considers the best available data (often thousands of studies) that describe a pesticide's toxicity and exposure properties, biology and habitat characteristics of each species evaluated, and how and to what extent a pesticide is or can be applied.
- EPA incorporates real-world data into its assessments and considers a range of assumptions in its biological evaluations that include more typical and realistic assumptions as well as less typical, high-end assumptions.
 - For example, EPA incorporates actual pesticide usage data, typical pesticide application rates, and different assumptions of toxicity into its Biological Evaluations. EPA considers outcomes from these different assumptions when describing its effects determinations. The better the data EPA receives on usage, the more effectively we can use this information in the Biological Evaluations.

As Administrator, are you concerned that the methodology used in these most recent draft biological evaluations moves the responsibility to make accurate and realistic assessments to the US Fish and Wildlife Service and the National Marine Fisheries Service?

ANSWER:

- Consistent with the Endangered Species Act and its implementing regulations, EPA has overlapping but also different responsibilities than the Fish and Wildlife Service and the National Marine Fisheries Service.
- The immediate responsibility of EPA is to determine if a single individual of a federally listed species may be affected by the labeled use of a pesticide. As such, EPA uses the most accurate and realistic data available to make that determination to the extent that it is scientifically appropriate to do so at the appropriate scale of the assessment.
- If EPA determines that an individual is likely to be affected, then the Services' responsibility is to determine if the continued existence of a species may be jeopardized.

- Naturally, factors that inform risk to an individual are different than factors that inform risk to an entire population of a species. EPA evaluates a range of assumptions to inform the Service's biological opinions.
- Further, the ESA places the responsibility on every federal agency to ensure that its actions do not jeopardize a species. EPA is continuing to coordinate and collaborate with the Services to help ensure that the three agencies are aligned on this goal and are collectively using accurate and realistic assessments throughout the entire ESA assessment.

###



Call Memo - Lynn Good in-person meeting

Printed on 09/27/2021

Filed: [DATE \@ "M/d/yyyy h:mm am/pm" * MERGEFORMAT] (FOR SCHEDULING)

APPROVED BY: Rosemary Enobakhare, OPEEE

MEETING SHEET

September 27, 2021

MEMORANDUM FOR THE ADMINISTRATOR

FROM: Rosemary Enobakhare, OPEEE, 202-573-4614

EVENT DATE: Tuesday, September 27, 2021

TIME: 1:30 PM ET

SUBJECT: Lynn Good in-person meeting

STAFFING: John Lucey

PURPOSE OF CALL AND LAST INTERACTION

YOU will host a one-on-one conversation in-person with Lynn Good in her dual roles as CEO of Duke Energy and board member of the Edison Electric Institute. **YOU** will discuss several relevant topics, including methane, coal combustion residuals (CCR), and Effluent Limitation Guidelines (ELGs).

KEY POINTS SECTION

- **Stakeholder engagement.** You will emphasize your commitment to open and transparent stakeholder engagement on a wide range of Agency issues.

BACKGROUND

Methane

President Biden's Executive Order 13990 instructed EPA to review the oil and gas sector and instructed EPA to consider strengthening current standards for methane emissions from new, reconstructed, and modified sources by September 2021. EPA is working toward a proposed rule to strengthen standards for methane

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Printed on 09/27/2021

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Call Memo - Lynn Good in-person meeting

Printed on 09/27/2021

Filed: [DATE \@ "M/d/yyyy h:mm am/pm" * MERGEFORMAT] (FOR SCHEDULING)

emissions from new, reconstructed, and modified oil and natural gas sources and to address methane emissions from existing sources. Outreach efforts began in May 2021 and included three days of public listening sessions – June 15-17 – to hear feedback from all stakeholders.

Effluent Limitation Guidelines

Announced September 8, 2021, the Preliminary Effluent Guidelines Program Plan 15 (Preliminary Plan 15) announces the status of EPA's efforts since the publication of Final Plan 14 (January 11, 2021), including the initiation of new rulemakings and detailed studies. Comments to Preliminary Plan 15 can be submitted at [regulations.gov](https://www.regulations.gov) and are due by October 14, 2021. In particular, EPA announced the following actions in Preliminary Plan 15:

- the beginning of a rulemaking to revise limitations for the [HYPERLINK "<https://www.epa.gov/eg/organic-chemicals-plastics-and-synthetic-fibers-effluent-guidelines>"] (OCPSF) category to address the discharge of per- and polyfluoroalkyl substances (PFAS) from facilities that manufacture PFAS.
- the initiation of a rulemaking to revise limitations for the [HYPERLINK "<https://www.epa.gov/eg/metal-finishing-effluent-guidelines>"] category to address PFAS discharges from chromium plating operations.
- the completion of its detailed study of the [HYPERLINK "<https://www.epa.gov/eg/meat-and-poultry-products-effluent-guidelines>"] category and initiation of a rulemaking to revise the existing discharge standards for the industry.
- the intention to publish a proposed Supplemental Rulemaking for the [HYPERLINK "<https://www.epa.gov/eg/steam-electric-power-generating-effluent-guidelines>"] category.
- the initiation of detailed studies of PFAS discharges from the [HYPERLINK "<https://www.epa.gov/eg/landfills-effluent-guidelines>"] and [HYPERLINK "<https://www.epa.gov/eg/textile-mills-effluent-guidelines>"] categories.

Coal Combustion Residuals

EPA will soon be taking several CCR actions, but there is not a firm date for that rollout yet.

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Call Memo - Lynn Good in-person meeting

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OTHER CONSIDERATIONS

n/a

SUGGESTED TALKING POINTS

n/a

BIOGRAPHIES



Lynn Good is chair, president and chief executive officer of Duke Energy, one of America's largest energy holding companies. Under her leadership, Duke Energy has intensified its focus on serving its customers and communities well today while leading the way to a cleaner, smarter energy future. Before becoming CEO in 2013, she served as Duke Energy's chief financial officer and earlier led the company's commercial energy businesses during its initial development of renewable energy projects. She began her utility career in 2003 with Cincinnati-based Cinergy, which merged with Duke Energy three years later. Prior to 2003, she was a partner at two international accounting firms, including a long career with Arthur Andersen. Good currently serves on the boards of directors for Boeing, the Edison Electric Institute, the Institute of Nuclear Power Operations, the World Association of Nuclear Operators, the Business Roundtable, myFutureNC and New York City Ballet. She also serves on the advisory council of the Bechtler Museum of Modern Art in Charlotte, N.C. Good holds Bachelor of Science degrees in systems analysis and accounting from Miami University in Oxford, Ohio. She and her husband, Brian, live in Charlotte



Call Memo - Call with American Farm Bureau Federation

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APPROVED BY: Joe Goffman, OAR

CALL SHEET
September 29, 2021

MEMORANDUM FOR THE ADMINISTRATOR

FROM: Joseph Goffman, OAR, **Ex. 6**, Goffman.Joseph@epa.gov

CC: Rosemary Enobakhare, OPEEE

EVENT DATE: Friday, October 1, 2021

TIME: 10:45AM-10:55AM

SUBJECT: Call with American Farm Bureau Federation

STAFFING: Rosemary Enobakhare, 202-573-4614

PURPOSE OF CALL AND LAST INTERACTION

YOU will be calling Zippy Duvall, President of American Farm Bureau Federation (FB) to discuss the current status of the Renewable Fuel Standard (RFS), specifically the associated Annual Rule package (Renewable Volume Obligations, RVO).

KEY POINTS SECTION

Ex. 5 Deliberative Process (DP)

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Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

BACKGROUND

- The FB was organized on November 12, 1919, in Chicago, Illinois, by Farm Bureau leaders from 34 states. Currently it has affiliates in all 50 states and Puerto Rico.
- The FB opposes taxes on carbon uses or emissions, any law or regulation requiring the reporting of any GHG emissions by an agricultural entity, any regulation of GHG by the EPA, and any attempt to regulate methane emissions from livestock.
- The FB is also critical of EPA's recent practice of granting nearly all applicants for small refinery exemptions (SRE).
- The FB has been a strong supporter of increased use of biofuels such as ethanol, biodiesel, and cellulosic ethanol as an important and vital component of this nation's energy policy.
- The current RFS program was established in 2007 pursuant to the Energy Independence and Security Act (EISA) which specified volume targets for each year from 2009 through 2022



Call Memo - Call with American Farm Bureau Federation

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- EPA has been promulgating rulemakings annually to set renewable fuel percentage blend requirements for refiners at levels needed to achieve the volume targets
- These annual rulemakings have also considered and sometimes implemented partial waivers of the volume targets
- EPA is also responsible for several other actions to administer the RFS program, including requests for new fuels to participate in the RFS program.
- The 2021 RFS annual rule is late (due Nov. 30, 2020) and the 2022 RFS annual rule must be completed by Nov. 30, 2021.
- In December 2017 the D.C. Circuit remanded the 2014-2016 RFS annual rule to EPA and vacated EPA's use of the general waiver authority to reduce the 2016 total renewable volume by 500 million gallons. EPA has the option of responding to the remand in this rule.
- Renewable fuel production in 2020 also fell short of the RFS obligations, in part because of the COVID pandemic.

OTHER CONSIDERATIONS

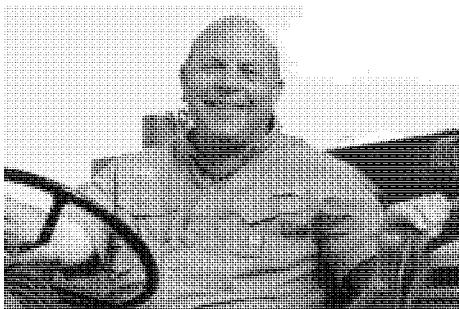
YOU most recently spoke with Zippy during the Ag CEOs Council roundtable, following **YOUR** fireside chat at the AFBF Council of Presidents.

SUGGESTED TALKING POINTS

Talking Points document attached.

BIOGRAPHIES

Zippy Duvall, President of American Farm Bureau Association



Zippy Duvall has served as president of the American Farm Bureau Federation since 2016. He is a third-generation farmer from Georgia. He owns a beef cow herd, raises broiler chickens and grows his own hay, all while continuing to restore the land he inherited.

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Call Memo - Call with American Farm Bureau Federation

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In 2017, Duvall was honored by the National 4-H Council as a founding luminary, a group of influential 4-H alumni. Prior to being elected AFBF president, he was president of the Georgia Farm Bureau and served on the AFBF board of directors. Duvall and his late wife, Bonnie, were married for more than 40 years, raised four children and welcomed five grandchildren.

REMARKS FOR ADMINISTRATOR MICHAEL S. REGAN
EDISON ELECTRIC INSTITUTE
MARCH 25, 2021

Thank you, Lynn, and thanks for inviting me to join you. It's good to be here.

I'm glad we're having the chance to meet early on, because our worlds are interconnected – and starting off with an open dialogue, well, it means we're getting started on the right foot.

I'm on day 15 at EPA. In that time, I've had the chance to start talking with various folks from across industries, government, nonprofits, and get a sense of the concerns on people's minds, the areas they're most excited to engage with us on, and the ways they want to lend a hand.

The one common thread throughout has been a readiness to get to work. Everyone recognizes the opportunity ahead of us, and they're eager to seize it – and I am too.

I know that many of you share in that same enthusiasm. I understand that EPA staff are already actively engaging with EEI member companies and staff to compare notes and discuss perspectives on building and transportation electrification, which will be key to our agenda.

As some of you may know, this is my second tour at EPA. I got my start here more than 20 years ago, working under

both Democratic and Republican administrations. I worked with state and local officials, industry leaders, and frontline and fence line communities to design pragmatic solutions to our environmental challenges.

Most recently – as Duke and Dominion can confirm – I served as Secretary for the Department of Environmental Quality in my home state of North Carolina.

Throughout my career, I've learned that if you want to address complex challenges, you must be able to see them from all sides, and you must be willing to put yourself in other people's shoes. The best way to do that is to convene stakeholders where they live, work, and serve.

I've also learned that we can't simply regulate our way out of every problem. In North Carolina, I worked closely with Duke Energy to tackle coal ash and develop North Carolina's clean energy plan by fostering an open dialogue rooted in respect for science, a clear understanding of the law, and a commitment to building consensus.

This is the same approach I plan to take as Administrator, because I've seen its impact up close. I've seen how even the most unlikely partners can come together, set differences aside, and improve people's lives.

That spirit of collaboration – that willingness to find common ground – is going to be even more important

now, because we have lot of work ahead of us, and so much opportunity if we choose to see it that way.

On day one of his administration, President Biden committed to launching the most ambitious climate agenda in our nation's history – achieving 100 percent clean electricity by 2035 and setting us on the path to a net-zero economy by 2050.

It's a plan that pledges to live up to this unprecedented moment, to meet the urgency of the climate crisis, and to put American workers at the front of the pack, as we move toward a clean energy future.

What I believe you're seeing with the President's approach – to borrow from Wayne Gretzky – is that we're not trying to skate to where the puck is; we're trying to skate to where we believe that puck is going to be.

We're moving past the tired argument that says we need to pit environmental protection against economic prosperity. These values aren't mutually exclusive – they go hand in hand, as we've seen through dramatic reductions in criteria pollutant emissions from the power sector, even as the economy has grown significantly. That is in part due to your leadership.

I want to thank EEI for the statement of support for President's Biden's Executive Orders, for the U.S. rejoining the Paris Agreement, and for EPA efforts to

reduce greenhouse gas emissions, including from the natural gas supply chain and the transportation sector.

I also want to thank you for your leadership in the clean energy transformation that's underway.

The climate crisis demands that large companies – including electric utilities – set ambitious goals to cut carbon emissions and to rapidly improve energy efficiency and renewable energy.

We recognize that many EEI utilities have made important, zero-carbon or net-zero-carbon commitments and have been investing in renewables.

Many utilities have also embraced the benefits of energy efficiency as a low-cost resource, a way to cut emissions, and perhaps most importantly, to help their customers lower their energy costs and reduce energy burdens.

EPA commends your leadership in this area – these investments will help drive the rapidly advancing progress of clean energy, providing homes and businesses with electricity that is both clean and affordable. We need to continue to strengthen these commitments to greenhouse gas reductions, energy efficiency, and low carbon generation technology. It's an opportunity for the U.S. to rebuild stronger, to leverage American ingenuity, and to create more clean energy jobs here at home.

The clean energy transformation can also help lift up communities of color who for too long have borne the burden of pollution but haven't always shared in the benefits of programs designed to move toward a cleaner future. Utilities must lead on delivery models that can be scaled and eliminate barriers for low-income populations.

I encourage all of you to consider innovations in program design and inclusive financing approaches. These programs can cost-effectively deliver efficiency upgrades to all ratepayers at scale, including the most underserved communities.

EPA looks forward to working with you and supporting you in expanding the reach of energy efficiency programs to underserved communities.

I also want to share a few updates about EPA's ongoing work that impacts your industry.

As you know, following President Biden's Executive Order, we're hard at work reviewing all environmental rules from the previous administration to make sure they're consistent with science, adhere to the law, and protect people's health and the climate. The order provides deadlines for review of certain rules related to methane from oil and gas operations – specifically, the executive orders ask EPA to review actions taken by the previous Administration with regard to methane standards for new oil and gas facilities, and to consider proposing emission

guidelines for methane emissions from existing oil and gas sources by September of this year. We'll also be reviewing greenhouse gas emissions standards for cars and light trucks; and mercury limits on power plants. As the agency moves forward, it's going to be particularly crucial that the lines of communication remain open – and that we consult and engage with one another.

Last week, we announced an update to the cross-state air pollution rule to help areas affected by smog pollution from other states meet their clean air obligation.

The associated emissions reductions will achieve real, tangible improvements in people's lives – especially for communities who are hit hardest by the impacts of climate change.

The COVID-19 pandemic magnified these injustices, particularly for communities of color, Tribal, and low-income communities. To correct these historic wrongs, the President created the Justice40 Initiative, which directs 40 percent of the benefits of relevant federal investments to flow to overburdened and underserved communities. It's a critical opportunity for us to jointly leverage our investments together to clean up legacy pollution, create clean energy jobs in these communities, and advance racial justice.

While we're still in the early days, I'm committed to working with you and stakeholders across the political spectrum to ensure that we are addressing the most pressing air pollution problems, meeting our legal obligations under the Clean Air Act, and deploying resources wisely and equitably.

There's never been a more critical time to work together and to bolster American leadership in this arena. And if we design flexible regulations that are complementary to the types of investments in research and development that we need to harness the power of the private sector, I believe the United States will chart the way forward.

Thank you.

###

At-A-Glance: Changes to ARP Monitoring Proposal**Goal:** Maximize air quality monitoring benefits to communities

Revised Air Quality Monitoring Proposal	Changes from Original Proposal
1.	Ex. 5 Deliberative Process (DP)
2.	
3.	
4.	